

**Maine Revised Statutes**  
**Title 3: LEGISLATURE**

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## **Title 3: LEGISLATURE**

### **Chapter 1: ORGANIZATION OF THE LEGISLATURE**

#### **Subchapter 1: GENERAL PROVISIONS**

##### **§1. CERTIFIED ROLLS OF MEMBERS ELECT**

The Secretary of State shall, on or before the day preceding the meeting of the Legislature, furnish to the Secretary of the preceding Senate a certified roll, under the seal of the State, of the names and residences of Senators-elect, according to the report of the Governor, and to the Clerk of the preceding House of Representatives a certified roll, under the seal of the State, of the names and residences of the Representatives-elect, according to the report of the Governor, and shall report the vacancies if any exist. [1975, c. 771, §9 (AMD).]

The Tribal Clerk of the Penobscot Indian Nation shall, on or before the day preceding the meeting of the Legislature, furnish to the Clerk of the preceding House of Representatives a certification, under the seal of the Nation, of the name and residence of the Representative-elect of the Penobscot Indian Nation to the Legislature. The Tribal Clerk of the Passamaquoddy Tribe of the reservation from which the Representative-elect of that tribe has been chosen shall, on or before the day preceding the meeting of the Legislature, furnish the Clerk of the preceding House of Representatives a certification of the name and residence of the Representative-elect of the Passamaquoddy Tribe to the Legislature. Beginning with the 126th Legislature, the Tribal Clerk of the Houlton Band of Maliseet Indians shall, on or before the day preceding the meeting of the Legislature, furnish to the Clerk of the preceding House of Representatives a certification of the name and residence of the Representative-elect of the Houlton Band of Maliseet Indians to the Legislature. [2009, c. 636, Pt. A, §1 (AMD).]

##### **SECTION HISTORY**

1975, c. 771, §9 (AMD). 1983, c. 481, (AMD). 2009, c. 636, Pt. A, §1 (AMD).

##### **§2. SALARY, EXPENSES AND TRAVEL OF MEMBERS OF THE LEGISLATURE AND REPRESENTATIVES OF INDIAN TRIBES**

Each member of the Senate and House of Representatives, beginning with the first Wednesday of December 2000 and thereafter, is entitled to \$10,815 in the first year and \$7,725 in the 2nd year of each biennium, except that if a Legislator who is a recipient of retirement benefits from the federal Social Security Administration files a written request with the Executive Director of the Legislative Council within one week after the biennium commences, the Legislator is entitled to \$9,270 in each year of the biennium. Each member of the Senate and the House of Representatives must receive a cost-of-living adjustment in annual legislative salary, except that the percentage increase may not exceed 5% in any year, and except that the percentage increase may not exceed 3% beginning with the fiscal year ending June 30, 2014. Beginning December 1, 2001, the salary for each legislative session must be adjusted each December 1st by the percentage change in the Consumer Price Index for the most recently concluded fiscal year; except that no member of the Senate or the House of Representatives may receive a cost-of-living adjustment in annual legislative salary for the Second Regular Session of the 124th Legislature, and except that no member of the Senate or the House of Representatives may receive a cost-of-living adjustment in annual legislative salary for the Second Regular Session of the 125th Legislature and the First Regular Session and the Second Regular Session of the 126th Legislature, and any percentage change in the Consumer Price Index for the fiscal years ending June 30, 2011, June 30, 2012 and June 30, 2013 may not be applied to the base salary. In addition, each Legislator is entitled to be paid for travel at each legislative session once each week at the same rate per mile to and from that Legislator's place of abode as state employees receive, the mileage to be determined by the most reasonable direct route, except that Legislators may be reimbursed for tolls paid for travel on the Maine Turnpike as long as they have a receipt for payment of the tolls, such tolls to be reimbursed when

Legislators use the Maine Turnpike in traveling to and from sessions of the Legislature or in performance of duly authorized committee assignments. Each Legislator is entitled to mileage on the first day of the session, and those amounts of salary and expenses at such times as the Legislature may determine during the session, and the balance at the end of the session. [2011, c. 380, Pt. QQQQ, §1 (AMD).]

The first regular session of the Legislature, after its convening, shall adjourn no later than the 3rd Wednesday in June and the 2nd regular session of the Legislature shall adjourn no later than the 3rd Wednesday in April. The Legislature, in case of emergency, may by a vote of 2/3 of the members of each House present and voting, extend the date for adjournment for the first or 2nd regular session by no more than 5 legislative days, and in case of further emergency, may by a vote of 2/3 of the members of each House present and voting, further extend the date for adjournment by 5 additional legislative days. The times for adjournment for the first and 2nd regular sessions may also be extended for one additional legislative day for the purpose of considering possible objections of the Governor to any bill or resolution presented to him by the Legislature under the Constitution, Article IV, Part Third, Section 2. [1985, c. 166, (AMD).]

Except as provided in this section, each member of the Senate and House of Representatives is entitled to a meal allowance in the amount of \$32 and a housing allowance in the amount of \$38 for each day in attendance at sessions of the Legislature and for each day the member occupies overnight accommodations away from home either immediately preceding or immediately following attendance at daily sessions of the Legislature. The presiding officers may establish reasonable policies regarding allowances for meals and overnight accommodations for the day immediately preceding the session, which may include policies regarding whether an allowance is paid, whether the full amount or a portion of the statutory allowance is paid and whether receipts are required. In lieu of the meal and housing allowance, each member is entitled to a daily meal allowance in the amount of \$32 and actual daily mileage allowances in an amount up to but not exceeding \$38 per day. Each member of the Senate also receives an annual allowance for constituent services in the amount of \$2,000, \$1,300 in January and \$700 in the month following adjournment of the regular session. Each member of the House of Representatives also receives an annual allowance for constituent services in the amount of \$1,500, \$1,005 in January and \$495 in the month following adjournment of the regular session. Notwithstanding this section, during the first regular session of each legislative biennium, a member of the Senate or the House of Representatives may elect to receive the first payment of the annual allowance for constituent services in December following convening of the Legislature by notifying the Executive Director of the Legislative Council in the manner prescribed by the executive director. The Executive Director of the Legislative Council shall inform Legislators of the choice available for payment of the allowance for constituent services in the first year of the legislative biennium and of any tax implications associated with exercising that choice. [2001, c. 2, Pt. A, §1 (COR).]

Each member of the Senate and House of Representatives shall be reimbursed for actual regular airfare expenses from his place of abode to Augusta for one round trip each week when the Legislature is in regular session and, when the Legislature is not in regular session, for days when meetings or daily sessions are held, provided that: The distance from his place of abode to Augusta is more than 150 miles, the mileage is determined by the most reasonable direct route and reimbursement will be capped at commercial flight rate. [1987, c. 402, Pt. B, §1 (AMD).]

The President of the Senate and the Speaker of the House of Representatives shall receive an additional 50% above regular compensation, the majority and minority leaders of the Senate and House of Representatives shall receive an additional 25% above regular compensation and the assistant majority and minority leaders of the Senate and House of Representatives shall receive an additional 12 1/2% above regular compensation. [1975, c. 750, §1 (RPR).]

In addition to the salary paid for the first and 2nd regular sessions of the Legislature, when a special session is called, the members of the Senate and House of Representatives must each be compensated \$100 for every day's attendance, expenses and mileage pursuant to this section; except that if a special session is called during the time period specified in this section for a first regular session or 2nd regular session, the special session per diem does not apply. [2003, c. 691, §1 (AMD); 2003, c. 691, §2 (AFF).]

No additional expenses may be paid to Legislators from the Legislative Account unless authorized by the President of the Senate or Speaker of the House of Representatives during any regular session. [1985, c. 693, §5 (AMD).]

The member of the Penobscot Indian Nation, the member of the Passamaquoddy Indian Tribe and, beginning with the Second Regular Session of the 125th Legislature, the member of the Houlton Band of Maliseet Indians elected to represent their tribes at the Legislature are entitled to receive a salary equal to the salary of members of the Senate and the House of Representatives, including a cost-of-living adjustment, for each regular session and allowance for meals, constituent service, housing and travel expenses to the same extent as members of the House of Representatives for attendance at each legislative session or authorized committee meeting. For the duration of any special session of the Legislature, they are entitled to receive the same per diem payment and allowances, including housing, meal and travel expenses, as any member of the Senate and House of Representatives. [2009, c. 636, Pt. A, §2 (AMD).]

The President of the Senate or the Speaker of the House shall, at all times, whether the Legislature be in session or not, have the authority to approve accounts and vouchers for payment. [1975, c. 750, §1 (RPR).]

The President of the Senate, the Speaker of the House of Representatives, the floor leaders and their assistants and members of a committee, with the approval of the President of the Senate or the Speaker of the House of Representatives as to members of a committee, may also meet on days when the Legislature is not in daily session at any convenient location within the State. Each member of the Senate and House of Representatives shall receive \$55 for every day's attendance when meetings or daily sessions are held, a meal allowance in the amount of \$32 and a housing allowance whereby actual lodging expenses will be reimbursed at the single-room rate, provided that a receipt is submitted to the Executive Director of the Legislative Council for each day in attendance at such meetings or daily sessions and for each day that member occupies overnight accommodations away from home either immediately preceding or immediately following attendance at daily sessions of the Legislature and actual daily mileage allowances which shall be paid at the same rate paid to state employees. In lieu of the meal and housing allowance, each member shall be entitled to a daily meal allowance in the amount of \$32 and actual daily mileage allowances. [1989, c. 501, Pt. O, §5 (AMD); 1989, c. 600, Pt. B, §§9, 10 (AMD); 1989, c. 878, Pt. D, §§14, 15 (AMD).]

The expenses of members of the Legislature traveling outside the State shall be reimbursed for their actual expenses provided that the expense vouchers are approved by the President of the Senate or the Speaker of the House of Representatives. [1977, c. 564, §2 (NEW).]

If a member of the Legislature dies or otherwise vacates the office, the successor is entitled to a salary from the date of seating, computed as follows: two hundred ten dollars per week times the number of weeks remaining in the calendar year if the vacancy occurs in the first year and \$150 per week for the number of weeks remaining in the calendar year if the vacancy occurs in the 2nd year. [1989, c. 501, Pt. O, §6 (AMD); 1989, c. 600, Pt. B, §§9, 10 (AMD); 1989, c. 878, Pt. D, §§14, 15 (AMD).]

Legislators may purchase one set of the Maine Revised Statutes Annotated at the State's cost, which may not be resold. [2013, c. 2, §3 (COR).]

#### SECTION HISTORY

1965, c. 342, (AMD). 1965, c. 412, §§2,3 (AMD). 1967, c. 469, (AMD). 1967, c. 531, (AMD). P&SL 1969, c. 197, §D1 (AMD). 1969, c. 489, §§1,2,4 (AMD). 1971, c. 112, (AMD). P&SL 1971, c. 178, §§3,4,4A,4B, 6 (AMD). 1971, c. 197, §§1,2 (AMD). 1971, c. 544, §§3,4 (AMD). 1973, c. 14, §1 (AMD). 1973, c. 472, (AMD). 1973, c. 781, §1 (AMD). 1975, c. 51, (AMD). 1975, c. 652, (AMD). 1975, c. 750, §§1,3 (RPR). 1977, c. 564, §2 (AMD). 1977, c. 696, §16 (AMD). 1979, c. 544, §§3,4 (AMD). 1981, c. 702, §§X1-X6 (AMD). 1983, c. 853, §§B1,2 (AMD). 1985, c. 2, (AMD). 1985, c. 166, (AMD). 1985, c. 693, §5 (AMD). 1985, c. 737,

§§C2,6 (AMD). 1987, c. 402, §B1 (AMD). 1987, c. 816, §KK1 (AMD). 1989, c. 68, §C1 (AMD). 1989, c. 501, §§O1-6,22 (AMD). 1989, c. 600, §§B9,10 (AMD). 1989, c. 878, §§D14,15 (AMD). 1991, c. 4, (AMD). 1991, c. 824, §§B13,14 (AFF). 1997, c. 309, §1 (AMD). 1999, c. 509, §§1,2 (AMD). RR 2001, c. 2, §A1 (COR). 2001, c. 504, §1 (AMD). 2003, c. 20, §F1 (AMD). 2003, c. 691, §1 (AMD). 2003, c. 691, §2 (AFF). 2009, c. 213, Pt. LL, §1 (AMD). 2009, c. 431, §1 (AMD). 2009, c. 636, Pt. A, §2 (AMD). 2011, c. 380, Pt. QQQQ, §1 (AMD). RR 2013, c. 2, §3 (COR).

## §2-A. STATE COMPENSATION COMMISSION

*(REPEALED)*

### SECTION HISTORY

1981, c. 498, §1 (NEW). 1983, c. 101, (AMD). 1983, c. 812, §2 (AMD). 1983, c. 853, §§D1,2 (AMD). 1985, c. 693, §§6,7 (AMD). 1985, c. 737, §A7 (AMD). 1987, c. 402, §A6 (AMD). 1989, c. 503, §B2 (AMD). 1993, c. 361, §B2 (RP).

## §2-B. STATE COMPENSATION COMMISSION

**1. State Compensation Commission; membership.** The State Compensation Commission, established in Title 5, section 12004-G, subsection 26-D and referred to in this section as the "commission," consists of 5 members appointed as follows:

- A. Two members, not from the same political party, appointed by the President of the Senate; [1997, c. 506, §1 (NEW).]
- B. Two members, not from the same political party, appointed by the Speaker of the House; and [1997, c. 506, §1 (NEW).]
- C. One member appointed by a majority of the members appointed under paragraphs A and B, who serves as chair of the commission. [1997, c. 506, §1 (NEW).]

The 5 members must be residents of the State and appointed from the public. A person may not be appointed who is a Legislator at the time of appointment.

All members must be appointed for a term to coincide with the legislative biennium. A vacancy must be filled in the same manner as the original appointment for the balance of the unexpired term.

The members of the commission are entitled to a per diem, expenses and allowances at the same rate as Legislators.

[ 1997, c. 506, §1 (NEW) .]

**2. Duties of commission.** The commission must issue its first report no later than April 15, 1999. No later than January 1st of every even-numbered year thereafter, the commission shall submit to the Legislature a report of the commission. The report must contain:

- A. A description of the commission's activities; [1997, c. 506, §1 (NEW).]
- B. The recommendations of the commission for all regular and special sessions of the next Legislature concerning:
  - (1) Compensation of Legislators and representatives of Indian tribes, including, but not limited to, all payments for: salaries, meals, housing, travel, mileage and all other expenses and allowances; additional service as President of the Senate, as Speaker of the House or as a member of leadership; and for constituent services; and

(2) Compensation for the Attorney General, the Secretary of State, the Treasurer of State and the State Auditor; [1997, c. 506, §1 (NEW).]

C. The reasons for its recommendations; [1997, c. 506, §1 (NEW).]

D. Drafts of any legislation required to implement its recommendations; and [1997, c. 506, §1 (NEW).]

E. Any other material and recommendations that commission members may wish to submit. [1997, c. 506, §1 (NEW).]

Before reporting as required in this subsection and subsequent to giving public notice, the commission shall hold a public hearing on the report. Subsequent to reporting, the commission shall meet, if requested, with the Governor, the Legislative Council and legislative committees to discuss the report.

[ 1999, c. 2, §1 (AMD) .]

**3. Appointments; meetings.** The Executive Director of the Legislative Council must be notified by the presiding officers once the appointment of the initial 4 members has been made. Within 15 days of the appointment of the initial 4 members, the Chair of the Legislative Council shall call and convene the first meeting of the commission.

[ 1999, c. 2, §1 (AMD) .]

**4. Staff assistance.** The commission shall request staff assistance from the Legislative Council.

[ 1997, c. 506, §1 (NEW) .]

**5. Legislation.** The commission may submit legislation required to implement its recommendations.

[ 1999, c. 2, §1 (NEW) .]

#### SECTION HISTORY

RR 1997, c. 2, §3 (COR). 1997, c. 506, §1 (NEW). 1999, c. 2, §1 (AMD).

### §3. EXPENSES WHEN LEGISLATURE NOT IN SESSION

*(REPEALED)*

#### SECTION HISTORY

1965, c. 452, (NEW). 1967, c. 98, (AMD). 1973, c. 590, §2 (AMD). 1977, c. 564, §3 (RP).

### §4. POSTAUDIT

A postaudit of all accounts and other financial records of the Legislature, the Governor's office, except the Governor's Expense Account, and any agency or office in the Executive Department which has not been audited by a state or federal agency within the preceding 24 months, shall be performed at least once every 2 years by independent certified public accountants designated by the Governor. Such audit report shall be filed with the Legislature and with the State Library. [1979, c. 312, §1 (RPR).]

#### SECTION HISTORY

1967, c. 427, §1 (NEW). 1975, c. 771, §10 (AMD). 1979, c. 312, §1 (RPR).

## Subchapter 2: SENATE

## §21. ORGANIZATION

The Secretary of the preceding Senate, at the time and place appointed for the meeting of the Legislature, shall call the Senators-elect present to order, and from the certified roll furnished him call their names, and if a quorum respond, he shall preside until they are qualified and a President is elected. If no quorum appear he shall preside, and the Senators-elect present shall adjourn from day to day, but shall transact no business, except to go into convention to fill vacancies, until a quorum appear and are qualified and a President is elected. After the election of the President, the Senate shall proceed to elect by ballot a secretary and an assistant secretary.

In case of vacancy in the office of such secretary or his absence or inability to perform the duties, the said duties shall be performed by his assistant.

If the Secretary of the Senate and his assistant are absent at the time set for convening the Senate, their duties shall be performed by the Secretary of State or his deputy. [1967, c. 503, §1 (AMD).]

### SECTION HISTORY

1967, c. 503, §1 (AMD).

### §21-A. PRESIDENT OF SENATE; TERM LIMITATION

A person may not serve as President of the Senate for more than 3 consecutive legislative bienniums. Service in that capacity before December 2, 1992 is not included in the calculation of years served. [1993, c. 403, §1 (NEW); 1993, c. 403, §3 (AFF).]

### SECTION HISTORY

1993, c. 403, §1 (NEW). 1993, c. 403, §3 (AFF).

## §22. SECRETARY AND ASSISTANT SECRETARY; SALARIES AND DUTIES

The Secretary of the Senate shall perform the usual duties of the office during the session of the Legislature, file and index all papers, which have been subject to adverse legislative action, index and supervise the preparation of the permanent senate journal. He shall perform the duties required of him by sections 21 and 23. He shall deliver to the State Archivist all papers on file in the office of the Secretary of the Senate which were considered by a session of the Legislature held more than 5 years previously, and the State Archivist shall inspect said papers and preserve those having permanent value. [1981, c. 702, Pt. X, §7 (AMD).]

The Assistant Secretary of the Senate shall receive a salary as provided by law and shall work under the direction of the secretary. [1981, c. 702, Pt. X, §8 (AMD).]

All fees, charges, emoluments and other receipts of whatever nature, which may be payable to the Secretary of the Senate, the Assistant Secretary of the Senate or any employee thereof, excepting their lawful salaries and expenses properly payable to them, shall be credited to the General Fund and no Secretary of the Senate, Assistant Secretary of the Senate or employee shall directly or indirectly receive a private benefit or gain from the sale or distribution of any material, information or reports from the records of such Secretary of the Senate. [1973, c. 3, §1 (NEW).]

The President of the Senate may authorize the Secretary of the Senate and the Assistant Secretary of the Senate to serve on a full-time basis when the Legislature is not in regular or special session. [1983, c. 32, Pt. I, §1 (AMD).]

### SECTION HISTORY

1965, c. 393, §§1,2,5 (AMD). 1965, c. 441, §3 (AMD). 1969, c. 475, §1 (AMD). 1973, c. 3, §1 (AMD). 1973, c. 10, §2 (AMD). 1973, c. 28, §1 (AMD). 1975, c. 604, §§1-3 (AMD). 1977, c. 564, §§4-7 (AMD). 1979, c. 396, §§1-3 (AMD). 1981, c. 316, §§N1-N3 (AMD). 1981, c. 702, §§X7,X8 (AMD). 1983, c. 32, §§I-1 (AMD).



## §23. RECORDS; AMENDMENTS

The Secretary or Assistant Secretary of any Senate shall amend, according to the fact, the journal of said Senate, whenever empowered or required by authority of the same, or of any subsequent Senate.

## §24. FLOOR LEADERS; TERM LIMITATION

A person may not serve in the Senate for more than 3 consecutive legislative bienniums in each of the following positions: party floor leader or assistant party floor leader. Service in either capacity in the Senate before December 2, 1992 or service as a party floor leader, assistant party floor leader or whip in the House of Representatives is not included in the calculation of years served. [1993, c. 411, §1 (NEW); 1993, c. 411, §3 (AFF).]

### SECTION HISTORY

1993, c. 411, §1 (NEW). 1993, c. 411, §3 (AFF).

## Subchapter 3: HOUSE OF REPRESENTATIVES

## §41. ORGANIZATION

The Clerk of the preceding House of Representatives in the same manner as provided for the Senate shall call the Representatives-elect to order and preside until they are qualified and elect a Speaker. If no quorum appear he shall preside, and the Representatives-elect present shall adjourn from day to day until a quorum appear and are qualified and a Speaker is elected. After the election of the Speaker, the House of Representatives shall proceed to elect by ballot a clerk and an assistant clerk. All revenues received by the document clerk in the performance of his duties shall be credited to the General Fund.

In case of vacancy in the office of such clerk, or his absence or inability to perform the duties aforesaid, the said duties shall be performed by his assistant.

If the Clerk of the House and his assistant are absent at the time set for convening the House, their duties shall be performed by the Secretary of State or his deputy. [1967, c. 503, §2 (AMD).]

### SECTION HISTORY

1965, c. 425, §§2-A (AMD). 1967, c. 503, §2 (AMD).

## §41-A. SPEAKER OF HOUSE OF REPRESENTATIVES; TERM LIMITATION

A person may not serve as Speaker of the House of Representatives for more than 3 consecutive legislative bienniums. Service in that capacity before December 2, 1992 is not included in the calculation of years served. [1993, c. 403, §2 (NEW); 1993, c. 403, §3 (AFF).]

### SECTION HISTORY

1993, c. 403, §2 (NEW). 1993, c. 403, §3 (AFF).

## §42. CLERK AND ASSISTANT CLERK; SALARIES AND DUTIES

The Clerk of the House of Representatives shall perform the usual duties of his office during the session of the Legislature and index the house journal. In the months of November and December next preceding the convening of the regular sessions of the Legislature, he shall keep open his office each Wednesday and Thursday for the convenience of the public and members-elect of the Legislature. He shall perform the services required of him by sections 41 and 43. [1981, c. 702, Pt. X, §9 (AMD).]

The Assistant Clerk of the House of Representatives shall receive a salary as provided by law and shall work under the direction of the clerk. [1981, c. 702, Pt. X, §10 (AMD).]

All fees, charges, emoluments and other receipts of whatever nature, which may be payable to the Clerk of the House of Representatives, the Assistant Clerk of the House of Representatives, or any employee thereof, excepting their lawful salaries and expenses properly payable to them, shall be credited to the General Fund and no Clerk of the House of Representatives, Assistant Clerk of the House of Representatives or employee shall directly or indirectly receive a private benefit or gain from the sale or distribution of any material, information or reports from the records of such Clerk of the House of Representatives. [1969, c. 3, §2 (NEW).]

The Speaker of the House of Representatives may authorize the Clerk of the House of Representatives and the Assistant Clerk of the House of Representatives to serve on a full-time basis when the Legislature is not in regular or special session. [1983, c. 32, Pt. I, §2 (AMD).]

#### SECTION HISTORY

1965, c. 167, (AMD). 1965, c. 393, §§3,4 (AMD). 1969, c. 475, §2 (AMD). 1973, c. 3, §2 (AMD). 1973, c. 10, §3 (AMD). 1973, c. 14, §2 (AMD). 1975, c. 604, §§4-6 (AMD). 1977, c. 564, §§8-11 (AMD). 1979, c. 396, §§4-6 (AMD). 1981, c. 316, §§N4-N6 (AMD). 1981, c. 702, §§X9,X10 (AMD). 1983, c. 32, §§I-2 (AMD).

### §43. RECORDS; AMENDMENTS

The Clerk or Assistant Clerk of any House of Representatives shall amend, according to the fact, the journal of said House of Representatives, whenever empowered or required by authority of the same, or of any subsequent house.

### §44. FLOOR LEADERS; TERM LIMITATION

A person may not serve in the House of Representatives for more than 3 consecutive legislative bienniums in each of the following offices: party floor leader, assistant party floor leader or whip. Service in such capacity before December 2, 1992 or service as a party floor leader or assistant party floor leader in the Senate is not included in the calculation of years served. [1993, c. 411, §2 (NEW); 1993, c. 411, §3 (AFF).]

#### SECTION HISTORY

1993, c. 411, §2 (NEW). 1993, c. 411, §3 (AFF).

## Chapter 3: EMERGENCY INTERIM LEGISLATIVE SUCCESSION

### §71. SHORT TITLE

*(REPEALED)*

SECTION HISTORY

1977, c. 207, §2 (RP).

### §72. DECLARATION OF POLICY

*(REPEALED)*

SECTION HISTORY

1977, c. 207, §2 (RP).

### §73. DEFINITIONS

*(REPEALED)*

SECTION HISTORY

1977, c. 207, §2 (RP).

### §74. DESIGNATION OF EMERGENCY INTERIM SUCCESSORS TO LEGISLATORS

*(REPEALED)*

SECTION HISTORY

1977, c. 207, §2 (RP).

### §75. STATUS, QUALIFICATIONS AND TERM OF EMERGENCY INTERIM SUCCESSORS

*(REPEALED)*

SECTION HISTORY

1977, c. 207, §2 (RP).

### §76. CONTINGENT METHOD OF DESIGNATING EMERGENCY INTERIM SUCCESSORS

*(REPEALED)*

SECTION HISTORY

1977, c. 207, §2 (RP).

### §77. RECORDING AND PUBLICATION OF EMERGENCY INTERIM SUCCESSORS TO LEGISLATORS

*(REPEALED)*

SECTION HISTORY

1977, c. 207, §2 (RP).

**§78. OATH OF EMERGENCY INTERIM SUCCESSORS*****(REPEALED)***

SECTION HISTORY

1977, c. 207, §2 (RP).

**§79. DUTY OF EMERGENCY INTERIM SUCCESSORS*****(REPEALED)***

SECTION HISTORY

1977, c. 207, §2 (RP).

**§80. PLACE OF LEGISLATIVE SESSION*****(REPEALED)***

SECTION HISTORY

1977, c. 207, §2 (RP).

**§81. CONVENING OF LEGISLATURE IN EVENT OF ATTACK*****(REPEALED)***

SECTION HISTORY

1977, c. 207, §2 (RP).

**§82. ASSUMPTION OF POWERS AND DUTIES OF LEGISLATOR BY  
EMERGENCY INTERIM SUCCESSORS*****(REPEALED)***

SECTION HISTORY

1977, c. 207, §2 (RP).

**§83. PRIVILEGES, IMMUNITIES AND COMPENSATION OF EMERGENCY  
INTERIM SUCCESSORS*****(REPEALED)***

SECTION HISTORY

1977, c. 207, §2 (RP).

**§84. QUORUM AND VOTE REQUIREMENTS*****(REPEALED)***

SECTION HISTORY

1977, c. 207, §2 (RP).

**§85. TERMINATION OF OPERATION OF CHAPTER*****(REPEALED)***

SECTION HISTORY

1977, c. 207, §2 (RP).

## Chapter 5: NOTICE OF PETITIONS FOR LEGISLATION

### §121. NOTICE OF PETITIONS AFFECTING INDIVIDUALS OR CORPORATIONS

Notice of any petition for legislation, affecting the rights of individuals or corporations, may be given by serving them with a true copy of the petition at least 14 days before the commencement of the next session, or by publishing such copy 3 weeks successively in a newspaper of general circulation in the counties in which such individuals reside or such corporations are established, the last publication to be at least 14 days before the session. If further service is deemed necessary, or if notice is defective or insufficient, further notice may be ordered. [1987, c. 667, §2 (AMD).]

#### SECTION HISTORY

1987, c. 667, §2 (AMD).

### §122. NOTICE OF PETITIONS AFFECTING TOWN OR COUNTY

Notice of any petition affecting the rights or interests of any town or county may be given to such town by serving it with a true copy of the petition at least 14 days before the session, and to such county by publishing as prescribed in section 121.

### §123. NO NOTICE; PETITION REFERRED

Petitions mentioned in sections 121 and 122 without proof of notice as prescribed shall be referred, with order of notice, to the next Legislature.

### §124. SERVICE; PROOF

Service of notice of such petitions may be made by any sheriff or constable, and proved by his proper return or by written acknowledgment of the adverse party on the petition, or if notice is given by publication, then by the newspapers or the affidavit of the printer.

### §125. NOTICE OF PETITIONS FOR SPECIAL LEGISLATION PERTAINING TO FISH AND GAME

Notice of petitions, bills or resolves for special legislation, regarding or in any manner pertaining to fish or game, shall be given with full description of the territory or waters affected by such legislation, in a newspaper of general circulation in the locality affected, at least once a week for 8 consecutive weeks, the last notice to be not less than one, nor more than 3 weeks before the assembling of the Legislature of which such legislation is requested, and such notice shall be absolutely required before any such legislation shall be enacted. All laws hereafter enacted pertaining to fish or game which do not conform to the general laws of the State shall for the purposes of this section be deemed special. This section shall not apply to any petition, Act or resolve, either repealing or amendatory, which has for its object the placing of the territory or waters in question under the general laws of the State. [1987, c. 667, §3 (AMD).]

#### SECTION HISTORY

1987, c. 667, §3 (AMD).

## Chapter 6: CONFIRMATION OF APPOINTMENTS

### §151. CONFIRMATION PROCEDURE

(REPEALED)

#### SECTION HISTORY

1975, c. 771, §11 (NEW). 1977, c. 291, (AMD). 1989, c. 25, (AMD).  
1991, c. 842, §§1-3 (AMD). 1993, c. 685, §A1 (RP).

### §151-A. CORRECTION OF STATUTORY REFERENCES TO COMMITTEES

(REPEALED)

#### SECTION HISTORY

1979, c. 1, (NEW). 1993, c. 685, §A2 (RP).

### §152. DESIGNATION OF COMMITTEE FOR REVIEW OF NOMINATIONS FOR JUDICIAL OFFICES AND OF ATTORNEY GENERAL

(REPEALED)

#### SECTION HISTORY

1975, c. 771, §11 (NEW). 1993, c. 685, §A3 (RP).

### §153. SCOPE

The nomination and confirmation of all judicial officers whose confirmation by the Legislature is required by the Constitution of Maine and the nomination and confirmation of all other officers whose confirmation by the Legislature is required by law are governed by the provisions of this chapter. [1993, c. 685, Pt. A, §4 (NEW).]

#### SECTION HISTORY

1993, c. 685, §A4 (NEW).

### §154. NOMINATIONS

The Governor shall, within 20 days after the convening of each legislative session, provide to each joint standing committee of the Legislature a list of all positions for which legislative confirmation is required that are within each committee's jurisdiction and that are vacant or have terms expiring before the convening of the next regular session of the Legislature. The chairs of each joint standing committee and the Governor, or their designees, shall negotiate in good faith to establish a schedule for nominations and consideration of nominations during the session. [1993, c. 685, Pt. A, §4 (NEW).]

When nominating a person to a position for which confirmation is required, the Governor shall post the nomination and simultaneously deliver to both the President of the Senate and the Speaker of the House of Representatives notification of the name of the nominee, the office to which that person is nominated and an information packet, which must include the background information and questionnaire provided to the Office of the Governor by the nominee and may include other information the Governor determines appropriate. The date of the posting and notice is referred to in this chapter as the "posting date." [1993, c. 685, Pt. A, §4 (NEW).]

When the nomination is received, the President of the Senate and the Speaker of the House of Representatives shall provide notice of the nomination and copies of accompanying materials to the chairs of the appropriate joint standing committee, to the Legislative Information Office and to the partisan staff assistants designated by the majority and minority parties of the Legislature. The Legislative Information

Office shall establish an official file for each nominee, which is subject to the provisions of section 159. The file must include the information submitted by the Governor pursuant to this section. [1993, c. 685, Pt. A, §4 (NEW).]

The Governor may withdraw a nomination at any time before the Senate votes pursuant to section 158 by sending a written notice of withdrawal to the President of the Senate. [1993, c. 685, Pt. A, §4 (NEW).]

Notwithstanding the other provisions of this chapter, if the Governor posts a nomination within 30 days preceding the statutory date of adjournment, a legislative committee to whom a nominee is to be referred for confirmation review may, by 2/3 vote, request the President of the Senate and the Speaker of the House of Representatives to delay this review in order to complete the committee's legislative work. If the President of the Senate and the Speaker of the House of Representatives approve the request, the time periods for legislative action under this chapter begin on the date the Legislature adjourns. [1993, c. 685, Pt. A, §4 (NEW).]

#### SECTION HISTORY

1993, c. 685, §A4 (NEW).

### §155. PRELIMINARY PROCEDURES

The chairs of the appropriate joint standing committee shall: [1993, c. 685, Pt. A, §4 (NEW).]

**1. Schedule prehearing conference.** Schedule a prehearing conference in cooperation with the Legislative Information Office. The prehearing conference must be held within 21 days of the posting date;

[ 1993, c. 685, Pt. A, §4 (NEW) .]

**2. Request reports.** Request background reports from the partisan staff assistants; and

[ 1993, c. 685, Pt. A, §4 (NEW) .]

**3. Inform nominee.** Advise the nominee of the date of the prehearing conference and the deadline for completion of a questionnaire from the committee and submission of supplemental materials by the nominee. The deadline is 15 days from the posting date unless the 15th day is not a business day, in which case the deadline is the next business day.

[ 1993, c. 685, Pt. A, §4 (NEW) .]

#### SECTION HISTORY

1993, c. 685, §A4 (NEW).

### §156. PREHEARING CONFERENCE

The appropriate joint standing committee shall hold a prehearing conference for each nominee, unless the committee decides otherwise. If the committee determines that it is necessary to avoid damage to the reputation of the nominee or that there are issues that should be discussed privately, the prehearing conference may go into executive session using the procedures specified in Title 1, section 405, and only the committee members and the partisan staff assistants may attend. All materials prepared for or reviewed in the conference are not subject to the provisions of Title 1, chapter 13 except as provided in section 159. The prehearing conference is governed by the Joint Rules of the Legislature and by the committee's rules of procedure, except that a quorum of 7 committee members must be present for votes in the prehearing conference. Votes may not be taken in executive session. [1993, c. 685, Pt. A, §4 (NEW).]

The committee shall set a public hearing date. [1993, c. 685, Pt. A, §4 (NEW).]

The committee may ask the partisan staff assistants to prepare additional background information for a public hearing. The chairs shall notify the nominee of all actions taken and decisions made at the prehearing conference. [1993, c. 685, Pt. A, §4 (NEW).]

#### SECTION HISTORY

1993, c. 685, §A4 (NEW).

## §157. PUBLIC HEARINGS

The public hearing must be held within 30 days of the posting date except for nominations for judicial officers, for which the public hearing must be held within 35 days of the posting date. The Legislative Information Office shall advertise all public hearings at least 7 days before the public hearing in both the state paper and in a newspaper of general circulation in the area in which the nominee resides. The advertisement must contain the name of the nominee, the position for which the nomination has been made, a summary of the duties of the position, the time, place and date of the public hearing and a statement that written comments relevant to the qualifications of the nominee, together with supporting materials, may be filed with the Legislative Information Office by 9 a.m. on the hearing date. [1993, c. 685, Pt. A, §4 (NEW).]

Additional background information developed by the partisan assistants must be filed with the Legislative Information Office by 9 a.m. on the hearing date. [1993, c. 685, Pt. A, §4 (NEW).]

For the purposes of reviewing nominations pursuant to this chapter, the appropriate joint standing committee may administer oaths and take testimony under oath. Notwithstanding the provisions of section 165, subsection 7, the Legislature or, when the Legislature is not in session, the Legislative Council may grant to the joint standing committee reviewing a nomination any of the powers under section 165, subsection 7. [1993, c. 685, Pt. A, §4 (NEW).]

The committee may take testimony under oath and shall consider the materials on file with the Legislative Information Office. The committee may meet in executive session if new information is raised at the public hearing that, if known earlier, would have been subject to discussion at the prehearing conference. [1993, c. 685, Pt. A, §4 (NEW).]

The committee shall vote on the nomination within 35 days of the posting date, except that for nominations for judicial officers the committee shall vote within 40 days. A vote may not be taken sooner than 15 minutes after the close of the public hearing unless all members of the committee who are present agree. Upon a motion to confirm, properly made and seconded, the committee shall recommend confirmation or denial by a majority vote of the members present and voting at the time the vote is taken. The committee vote is by yeas and nays. Notwithstanding any other rule or provision of law, a member must be present to vote and the vote may not be modified except upon a proper motion for reconsideration. [1993, c. 685, Pt. A, §4 (NEW).]

A tie vote of the committee is deemed a recommendation for denial. The committee chairs shall promptly notify the President of the Senate of the committee's recommendation and the results of the vote, listing the yeas and nays. [1993, c. 685, Pt. A, §4 (NEW).]

#### SECTION HISTORY

1993, c. 685, §A4 (NEW).

## §158. CONFIRMATION VOTE

The Senate shall vote by yeas and nays to accept or reject the recommendation of the appropriate joint standing committee. The Senate shall vote on the committee's recommendation within 45 days of the posting date, except that for judicial officers the vote must be held within 50 days of the posting date. The committee's recommendation becomes final unless it is overridden by a vote of 2/3 of the Senators present and voting. [1993, c. 685, Pt. A, §4 (NEW).]

#### SECTION HISTORY



1993, c. 685, §A4 (NEW).

## **§159. CONFIDENTIALITY OF RECORDS**

Records filed with the Legislative Information Office pursuant to this chapter are public records upon filing and are subject to public review pursuant to Title 1, chapter 13. [1993, c. 685, Pt. A, §4 (NEW).]

All documents prepared for or reviewed in the prehearing conference become public records pursuant to Title 1, chapter 13 at the conclusion of the conference unless 2/3 of the committee votes to seal one or more documents. If a document is sealed, it is exempt from public disclosure. [1993, c. 685, Pt. A, §4 (NEW).]

At the close of each legislative session, the Legislative Information Office shall review each official file, removing each sealed document and replacing it with an information sheet generally identifying the sealed document and noting its removal. The Legislative Information Office shall forward the file to the State Archives. The sealed documents must be destroyed. [1993, c. 685, Pt. A, §4 (NEW).]

### **SECTION HISTORY**

1993, c. 685, §A4 (NEW).

## Chapter 7: LEGISLATIVE COUNCIL

### Subchapter 1: GENERAL PROVISIONS

#### §161. LEGISLATIVE COUNCIL

There is established a Legislative Council to consist of 10 members, 5 of whom shall be members of the Senate and 5 of whom shall be members of the House of Representatives. They shall be the President of the Senate, the Speaker of the House of Representatives, the Floor Leaders and Assistants of the 2 major parties. Membership on the Legislative Council shall be by virtue of holding the above offices, and shall be during the term of the Legislature in which such offices are held. The Legislative Council shall elect a chairman from within its own membership. [1973, c. 590, §3 (RPR).]

The Legislative Council shall exercise such powers and duties as may be delegated by law or by rule of the Legislature. Any action by the Legislative Council shall require the affirmative votes of a majority of the members. [1973, c. 590, §3 (RPR).]

The Legislative Council shall meet at least once monthly when the Legislature is not in session and at such other times as the membership or the chairman deems necessary. [1979, c. 127, §5 (RPR).]

##### SECTION HISTORY

1965, c. 425, §§2-B (AMD). 1973, c. 590, §3 (RPR). 1979, c. 127, §5 (AMD).

#### §162. AUTHORITY

The Legislative Council shall have the authority: [1973, c. 590, §4 (RPR).]

##### 1. Legislative budgets. To prepare and approve all legislative budgets;

[ 1973, c. 590, §4 (RPR) .]

**1-A. Budget requests.** To authorize the Executive Director of the Legislative Council to prepare and submit a tentative consolidated legislative budget request and other budget requests necessary for the operation of the legislative branch and other additional information, as requested, directly to the State Budget Officer on or before September 1st of the even-numbered years prior to review by the Legislative Council. The Legislative Council shall review the tentative budget submission developed by the executive director, altering, revising, increasing or decreasing the items as may be determined necessary. Upon final approval of the full legislative budget request, the Legislative Council shall submit a report to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs outlining any differences from the tentative legislative budget submission;

[ 1997, c. 24, Pt. FF, §1 (NEW) .]

**1-B. Office of Program Evaluation and Government Accountability budget.** To present the budget request of the Office of Program Evaluation and Government Accountability to the State Budget Officer as provided in Title 5, section 1665. If the budget presented pursuant to subsection 1-A differs from the budget request submitted by the Office of Program Evaluation and Government Accountability pursuant to this subsection, the Legislative Council shall simultaneously submit a report to that office and to the State Budget Officer explaining why the Legislative Council's budget request differs from the budget request of the Office of Program Evaluation and Government Accountability.

[ 2001, c. 702, §1 (NEW) .]

**2. Legislative employee salary and benefit schedules.** To establish salary schedules for all employees of legislative agencies, departments and offices, except as otherwise provided by law, to develop relatively uniform salary schedules for House and Senate employees and officers and, notwithstanding any other provision of law, to establish benefit schedules for legislative employees. Every publication that states the salary of an employee or a position must also include a statement of the dollar value of the fringe benefit package provided;

[ 1995, c. 37, §1 (AMD) . ]

**3. Joint committees.** When the Legislature is not in session, to assign bills, resolves and studies for consideration by the joint standing committees and joint select committees of the Legislature, to request reports, studies and legislation from said joint standing committees and to convene meetings of said joint standing committees and joint select committees and to exercise supervision over them;

[ 1973, c. 590, §4 (RPR) . ]

**4. Oaths, subpoenas and depositions.** To administer oaths, issue subpoenas, compel the attendance of witnesses and the production of any papers, books, accounts, documents and testimony, and to cause the deposition of witnesses, whether residing within or without the State to be taken in the manner prescribed by law for taking depositions in civil actions in the Superior Court. In case of disobedience on the part of any person to comply with any subpoena issued in behalf of a committee, or on the refusal of any witness to testify to any matters regarding which he may be lawfully interrogated, it shall be the duty of the Superior Court of any county, on application of a member of a committee, to compel obedience by proceedings for contempt as in the case of disobedience of the requirements of a subpoena issued from such court or a refusal to testify therein. Each witness, other than a state officer or employee, shall receive for his attendance the fees and mileage provided for witnesses in civil cases in courts of record, which shall be audited and paid upon the presentation of proper vouchers sworn to by such witness and approved by the chairman of the council;

[ 1973, c. 590, §4 (RPR) . ]

**5. Legislative improvements.** To assess ways and means to improve the legislative operation and to make improvements in the legislative organization, procedures, facilities and working conditions, and to make periodic reports to the Legislature concerning its findings. Changes in the organization of the legislative staff offices shall require the approval of two-thirds of the membership of the Legislative Council before they may take effect;

[ 1985, c. 501, Pt. B, §1 (AMD) . ]

**6. Appointment of directors and officers.** To appoint an Executive Director of the Legislative Council, a State Law Librarian and such other office directors as the council deems necessary. Each director shall be chosen without reference to party affiliations and solely on the grounds of fitness to perform the duties of his office; each to be appointed for a term of 3 years from the date of his appointment. Reappointment shall be based on performance in the office and shall be considered in accordance with policies and procedures established by the Legislative Council;

[ 1985, c. 501, Pt. B, §2 (AMD) . ]

**6-A. Transition.** Any person serving as Legislative Administrative Director, Director or Assistant Director of Legislative Research, Legislative Finance Officer or Assistant Legislative Finance Officer or Director or Assistant Director of Legislative Assistants, on September 19, 1985 may continue to so serve until the expiration of the term for which that person was appointed, unless that person resigns or vacates office before September 19, 1985;

[ 1997, c. 2, §4 (COR) . ]

**7. Legislative agency operating policy.** To establish operating policies for each legislative agency and office;

[ 1973, c. 590, §4 (RPR) .]

**8. Oversight of legislative appropriations and accounts.** To oversee the appropriations and other financial accounts, including position control, of the Legislature and of all legislative agencies, departments and offices and to comply with provisions of Title 5, Part 4 determined by the Legislative Council as relevant and applicable to the legislative branch and necessary for maintaining proper accounting controls and reporting. Appropriations for carrying out the purposes of this chapter must be made annually by the Legislature. All appropriations or allocations by the Legislature, including appropriations or allocations for specific studies to be carried out by the joint standing committees or joint select committees, may not lapse but must be carried forward and expended for the purpose for which the appropriation or allocation was made. The balance of any appropriation or allocation for such studies that is not fully expended must be refunded to the Legislature;

[ 2005, c. 12, Pt. LL, §1 (AMD) .]

**8-A. Sale of publications.** If the Legislative Council determines it advisable for the effective dissemination of statutory information or other information of general interest to the public, to fix the price, sell and deliver publications and materials produced by legislative agencies;

[ 1991, c. 1, (NEW) .]

## 9.

[ 1975, c. 770, §4 (RP) .]

**10. Intergovernmental, interstate and interlegislative organizations.** To coordinate and oversee intergovernmental relations programs on behalf of the Legislature, and to recommend to the Legislature participation by the Legislature and its members in interstate and inter-legislative organizations; and to apply for, receive and administer all grants and appropriations for these purposes;

[ 1973, c. 590, §4 (RPR) .]

**11. Legislative equipment and supplies.** To provide necessary furniture, stationery and other supplies and equipment for the use of the members, committees, agencies and offices of the Legislature;

[ 1973, c. 590, §4 (RPR) .]

**12. Physical facilities for Legislature.** To ensure that adequate physical facilities are provided for the efficient operation of the Legislature and to provide for and determine the utilization of legislatively controlled facilities both within and without the State House and, notwithstanding Title 5, section 1742, subsection 18, to control and assign the use of all rooms in the State House, except the immediate offices occupied by the Governor and the Governor's staff in the west wing of the State House. The Legislative Council shall ensure that the Governor and the Governor's staff occupy sufficient and appropriate office space within the State House.

The Legislative Council has the authority to authorize the Executive Director to enter into contracts for the purpose of maintaining or improving the physical facilities assigned to the Legislature, as long as the work to be performed is consistent with the official plan for the preservation and development of the aesthetic and historical integrity of the State House as described in section 902, subsection 1;

[ 1997, c. 671, §1 (AMD) .]

**12-A. Reserve Fund for State House Preservation and Maintenance.** To administer the Reserve Fund for State House Preservation and Maintenance, established and maintained as provided in this subsection. The State Controller at the close of each fiscal year and at the request of the Legislative Council shall transfer from unexpended balances of General Fund appropriations to the Legislature to the Reserve Fund for State House Preservation and Maintenance available amounts up to \$250,000 a year until a maximum of \$1,500,000 is achieved. The State Controller is further authorized to transfer from the Reserve Fund for State House Preservation and Maintenance to the Blaine House Renovations and Repairs Fund the amounts recommended by the Legislative Council. The Reserve Fund for State House Preservation and Maintenance may also receive and accept allocations, appropriations, grants and contributions of money to be held, used or applied to carry out this subsection, subject to the conditions upon which these allocations, appropriations, grants and contributions are made. Expenditures from the Reserve Fund for State House Preservation and Maintenance are subject to legislative allocation, may be made only for major repairs and renovations to the State House, must be reviewed and recommended by the State House and Capitol Park Commission and must receive a majority vote of the Legislative Council. Funds allocated or appropriated to the Reserve Fund for State House Preservation and Maintenance may not lapse but must be carried forward;

[ 2001, c. 358, Pt. E, §1 (AMD) .]

**13. Transfers within the legislative appropriation.** To approve any transfers within the legislative appropriation;

[ 1975, c. 770, §5 (RPR) .]

**14. Council procedures.** To establish published rules of procedure for the conduct of the business of the council;

[ 1973, c. 590, §4 (RPR) .]

**15. Other duties and responsibilities.** To perform such other duties and responsibilities as may be assigned to the council from time to time by the 2 Houses;

[ 1989, c. 410, §2 (AMD) .]

**16. Funds from State, Federal Government and private sources.** To accept, use, expend and dispose on behalf of the State funds, equipment, supplies and materials from any agency of the United States, from any private foundation and from any other private source;

[ 1991, c. 622, Pt. L, §1 (AMD) .]

**16-A. Intellectual property.** To use, manage or administer on behalf of the Legislature any copyright held by the Legislature or license to use copyrighted materials and to manage the copying, use and dissemination of copies of copyrighted materials in which the Legislature holds the copyright or a license;

[ 1999, c. 1, §2 (NEW) .]

**17. Approve plans to preserve and develop the State House and the immediate grounds.** To approve architectural, aesthetic and decorative alterations to the State House. The Legislative Council also has authority to preserve and develop the aesthetic and historical integrity of the State House and the immediate grounds. The exercise of this authority with respect to Capitol Park must be consistent with the plan for Capitol Park developed by the Olmsted Brothers firm in 1920 as revised by the Pressley firm in 1990. The Legislative Council has the power to enter into contracts and other powers necessary to implement this subsection and chapter 31;

[ 2001, c. 468, §1 (AMD) .]

**18. Out-of-state travel report.** To submit to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs a quarterly report on out-of-state travel activity of the Legislature. The report must be submitted within 15 days after the end of each quarter and must include, for each individual who has been authorized to travel, the destination, purpose and cost by funding source of each trip; and

[ 1997, c. 43, §2 (AMD) .]

**19. Legislative information available through the Internet.** To make the following information available through the Internet: legislative documents, committee hearing schedules, work session schedules, status of legislation, voting records of Legislators, the laws of Maine, study reports and reports of other study groups established by the Legislature and any other information designated by the Legislative Council.

[ 1997, c. 43, §3 (NEW) .]

#### SECTION HISTORY

P&SL 1973, c. 220, §3 (AMD). 1973, c. 590, §4 (RPR). 1975, c. 657, (AMD). 1975, c. 770, §§3-5 (AMD). 1979, c. 541, §§A7,A8 (AMD). 1981, c. 702, §R (AMD). 1983, c. 2, §1 (AMD). 1983, c. 584, (AMD). 1983, c. 824, §V (AMD). 1985, c. 501, §§B1-3 (AMD). 1989, c. 410, §§1-4 (AMD). 1991, c. 1, (AMD). 1991, c. 622, §§L1-3 (AMD). 1993, c. 415, §J1 (AMD). 1995, c. 37, §1 (AMD). RR 1997, c. 2, §4 (COR). 1997, c. 24, §§FF1,2 (AMD). 1997, c. 43, §§1-3 (AMD). 1997, c. 671, §1 (AMD). 1999, c. 1, §2 (AMD). 2001, c. 358, §E1 (AMD). 2001, c. 468, §1 (AMD). 2001, c. 702, §1 (AMD). 2005, c. 12, §LL1 (AMD).

## §162-A. SALARIES SUBJECT TO ADJUSTMENT BY LEGISLATIVE COUNCIL

Notwithstanding any other provisions of law, the salaries of the following legislative officials are at the salary ranges indicated in this section. Except as provided below, at the time of initial appointment the salary of each of these officials may be set at Step A or Step B, but no higher than Step B, of their respective ranges, except that any employees of the office of the Secretary of the Senate or the office of the Clerk of the House of Representatives at the time of initial appointment must have their salary set at a step within their respective salary range so that no loss of gross pay is experienced by those employees. The Legislative Council may adjust the salary of each official by one step for each year of continuous service after the initial appointment to office. [1993, c. 6, Pt. J, §1 (AMD).]

The salary ranges shall be those established by the Legislative Council for legislative staff. No other state salary may be paid to these officials. [1987, c. 349, Pt. K, §1 (NEW).]

### 1. Range 14. The salaries of the following state officials and employees shall be within salary range 14:

Secretary of the Senate; and

Clerk of the House of Representatives.

[ 1987, c. 349, Pt. K, §1 (RPR) .]

### 2. Range 9.

[ 1993, c. 707, Pt. FF, §1 (RP) .]

### 3. Range 86.

[ 1983, c. 862, §4 (RP) .]

**4. Range 88.**

[ 1983, c. 862, §4 (RP) .]

**5. Range 89.**

[ 1983, c. 862, §4 (RP) .]

**SECTION HISTORY**

1981, c. 702, §X11 (NEW). 1983, c. 853, §A§3-5 (AMD). 1983, c. 862, §§2-4 (AMD). 1987, c. 349, §K1 (RPR). 1987, c. 769, §A2 (AMD). 1993, c. 6, §J1 (AMD). 1993, c. 707, §FF1 (AMD).

**§162-B. SALARIES OF CONSTITUTIONAL OFFICERS**

Notwithstanding any other provisions of law, the salaries of the following state officials shall be at the salary ranges indicated in this section. At the time of initial appointment, the salary of the Secretary of State and the Treasurer of State shall be set at the Step C of the official's respective range. At the time of initial appointment, the salaries of the Attorney General and the State Auditor shall be set at Step E of their salary ranges. The Legislative Council may adjust the salary of each official by one step for each year of continuous service after the initial appointment to office. [1989, c. 501, Pt. O, §§7,22 (AMD); 1989, c. 596, Pt. C, §8 (AMD); 1989, c. 600, Pt. B, §§9, 10 (AMD); 1989, c. 878, Pt. D, §§14, 15 (AMD).]

The salary ranges shall be as provided by law for confidential employees who take the salary increase option instead of state payment of retirement contribution. No other state salary may be paid. These officials are not eligible for state payment of employee retirement contributions. [1983, c. 862, §§5, 6 (NEW) .]

**1. Range 88.** The salary of the following state officials and employees shall be within salary range 88, but shall not be less than Step C in that range:

A. Secretary of State; and [1989, c. 501, Pt. O, §§7,22 (AMD); 1989, c. 596, Pt. C, §8 (AMD); 1989, c. 600, Pt. B, §§9, 10 (AMD); 1989, c. 878, Pt. D, §§14, 15 (AMD).]

B. Treasurer of State. [1989, c. 501, Pt. O, §§7,22 (AMD); 1989, c. 596, Pt. C, §8 (AMD); 1989, c. 600, Pt. B, §§9, 10 (AMD); 1989, c. 878, Pt. D, §§14, 15 (AMD).]

[ 1989, c. 501, Pt. O, §§7,22 (AMD); 1989, c. 596, Pt. C, §8 (AMD); 1989, c. 600, Pt. B, §§9, 10 (AMD); 1989, c. 878, Pt. D, §§14, 15 (AMD) .]

**2. Range 89.** The salary of the State Auditor shall be within salary range 89, but shall not be less than Step E in that range.

[ 1989, c. 501, Pt. O, §§7,22 (AMD); 1989, c. 596, Pt. C, §8 (AMD); 1989, c. 600, Pt. B, §§9, 10 (AMD); 1989, c. 878, Pt. D, §§14, 15 (AMD) .]

**3. Range 91.** The salary of the Attorney General shall be within salary range 91, but shall not be less than Step E in that range.

[ 1989, c. 501, Pt. O, §§7,22 (AMD); 1989, c. 596, Pt. C, §8 (AMD); 1989, c. 600, Pt. B, §§9, 10 (AMD); 1989, c. 878, Pt. D, §§14, 15 (AMD) .]

#### SECTION HISTORY

1983, c. 862, §§5,6 (NEW). 1989, c. 501, §§07,22 (AMD). 1989, c. 596, §C8 (AMD). 1991, c. 824, §§B13,14 (AFF).

### §163. EXECUTIVE DIRECTOR OF THE LEGISLATIVE COUNCIL; DUTIES

The duties of the Executive Director of the Legislative Council are: [ 2003, c. 673, Pt. QQQ, §1 (AMD) .]

**1. Executive officers.** To act as executive officer of the Legislature when it is not in session and unless the Legislature otherwise orders, the Executive Director shall, with the cooperation of the Secretary of the Senate and the Clerk of the House of Representatives have custody of all legislative property and material, arrange for necessary supplies and equipment through the State Bureau of Purchases, arrange for necessary services, make all arrangements for incoming sessions of the Legislature, have general oversight of chambers and rooms occupied by the Legislature and permit state departments to use legislative property. The Executive Director may sell, in accordance with procedures established by the Legislative Council, unneeded legislative equipment and materials and, with the approval of the President of the Senate and the Speaker of the House of Representatives, dispose of obsolete or unusable equipment and materials through the Bureau of General Services' surplus property program. Proceeds from the sale of unneeded equipment and materials must be credited to the legislative account. The Executive Director has the authority to enter into contracts authorized by the Legislative Council and shall approve accounts and vouchers for payment. A perpetual inventory of all legislative property must be maintained under the supervision of the Legislative Council and an accounting of the inventory must be made to the Legislature upon its request.

[ 2003, c. 673, Pt. QQQ, §2 (AMD) .]

**2. Supervision.** To assign, direct and supervise, subject to the control of the council, the activities of the legislative staff offices. The Executive Director shall have no supervisory authority with respect to any persons employed pursuant to chapter 1 or section 168 of this title;

[ 1985, c. 501, Pt. B, §4 (AMD) .]

**2-A. Appointment of legislative staff.** To appoint, upon recommendation of the appropriate office director and subject to the approval of the Legislative Council, qualified persons to legislative staff positions based solely on their ability to perform their duties and without regard to party affiliation. The general duties and compensation of these positions shall be established under the direction of the council and in accordance with organizational and performance objectives established by the council. These legislative staff positions shall be unclassified and not subject to the civil service law.

[ 1985, c. 785, Pt. B, §4 (AMD) .]

**3. Vehicle for requests.** To act as a vehicle through which the several agencies, departments and offices of the Legislature may report to the council their budget requests, personnel and supply requirements and to assist the council in the orderly disposition of these requests.

[ 1973, c. 590, §5 (RPR) .]



**4. Policy implementation.** To be responsible for implementing policy resulting from decisions of the council.

[ 1973, c. 590, §5 (RPR) .]

**5. Reports.** To prepare such reports as are required of the council and maintain minutes of the regular meetings of the council.

[ 1983, c. 590, §5 (RPR) .]

**6. Staff assistants.**

[ 1983, c. 2, §3 (RP) .]

**7. Other duties.** To undertake such other duties as are assigned by the council.

[ 1973, c. 590, §5 (RPR) .]

**SECTION HISTORY**

1965, c. 341, §§1,2 (AMD). 1965, c. 412, §4 (AMD). 1965, c. 425, §§2-D (AMD). 1965, c. 465, (AMD). 1967, c. 357, (AMD). 1967, c. 476, §§1,2 (AMD). 1969, c. 8, §2 (AMD). 1969, c. 504, §§2,3 (AMD). 1969, c. 527, (AMD). 1971, c. 298, (AMD). 1973, c. 14, §3 (AMD). 1973, c. 590, §5 (RPR). 1973, c. 625, §7 (AMD). 1973, c. 788, §3 (AMD). 1983, c. 2, §§2,3 (AMD). 1985, c. 501, §B4 (AMD). 1985, c. 785, §B4 (AMD). 1989, c. 410, §5 (AMD). 2003, c. 673, §§QQQ1,2 (AMD).

## **§163-A. LEGISLATIVE STAFF SERVICES**

Legislative staff shall provide the following services under the direction of the Executive Director:  
[1985, c. 501, Pt. B, §5 (NEW).]

**1. Bill drafting.** To furnish to the members of the Legislature the assistance of expert draftsman qualified to aid the Legislature in the preparation of bills for introduction into the Legislature;

[ 1985, c. 501, Pt. B, §5 (NEW) .]

**2. Revision.** Upon request, to assist any agency appointed to revise the statutes of the State or any portion of the statutes and, at the direction of such agency, to consolidate, revise and clarify the statutes of the State;

[ 1985, c. 501, Pt. B, §5 (NEW) .]

**2-A. Engrossing.** To engross all bills passed by the Legislature;

[ 1987, c. 816, Pt. KK, §2 (NEW) .]

**3. Session laws.** To prepare and index for printing as promptly as possible, after the adjournment of each session, the session laws, which compilation shall include all Acts and resolves which the Legislature has adopted during the session and which have received the approval of the Governor, when such approval is necessary, and any other material of a general nature that the Executive Director may determine;

[ 1985, c. 501, Pt. B, §5 (NEW) .]

**4. Copy of public laws.** After each session of the Legislature, to cause the public laws enacted at that session to be printed on good paper and in suitable type and to distribute the same within the State to all citizens making a request for those laws;

[ 1985, c. 501, Pt. B, §5 (NEW) .]

**5. Pocket supplements.** After each session of the Legislature, to cause to be published cumulative pocket supplements of the volumes of the Revised Statutes, and any replacement or recompiled volumes, which shall contain an accurate transcription of all public laws, the material contained in the next preceding pocket supplement, complete and accurate annotations to the statutes, appendix and other material accumulated since the publication of the next preceding pocket supplement and a cumulative index of that material;

[ 1985, c. 501, Pt. B, §5 (NEW) .]

**6. Continuing revision.** After each session of the Legislature, to prepare a report inserting in their proper places in the Revised Statutes public laws enacted since the last revision of the statutes and, after each subsequent session of the Legislature, to prepare a report supplementing the report so that those reports and supplements shall form the basis of the next revision of the statutes;

[ 1985, c. 501, Pt. B, §5 (NEW) .]

**7. Committee assistance.** To provide research, analysis and bill drafting assistance for joint standing or select committees, including, but not limited to, the Joint Standing Committee on Appropriations and Financial Affairs, the Joint Standing Committee on Audit and Program Review and other legislative agencies;

[ 1985, c. 501, Pt. B, §5 (NEW) .]

**8. Reports and legislation.** To prepare narrative reports on matters referred to joint standing committees for review or study and prepare legislation to be introduced pursuant to those reports;

[ 1985, c. 501, Pt. B, §5 (NEW) .]

**9. Research services.** To provide a comprehensive research service for Legislators, legislative joint standing or select committees and commissions and the Legislative Council;

[ 1985, c. 501, Pt. B, §5 (NEW) .]

**10. Collection of fiscal information.** To collect and assemble factual information concerning the fiscal affairs of the State for the use of the Joint Standing Committee on Appropriations and Financial Affairs of the Legislature in formulating its proposals for appropriations and to collect and assemble fiscal information concerning other revenue funds for the use of any joint standing committee in formulating proposals for allocation acts;

[ 1985, c. 501, Pt. B, §5 (NEW) .]

**11. Appropriation requests.** To examine all requests for appropriations made by the various agencies of State Government and attend any hearings necessary to obtain complete information;

[ 1985, c. 501, Pt. B, §5 (NEW) .]

**12. Statement of costs.** To prepare statements pertaining to the existence of cost or the amount of cost to municipalities or counties for implementing or complying with a proposed law. The statement of cost shall be made within the limits of information provided to the office designated by the Legislative Council as having responsibility for financial analysis. The statements shall be furnished to the appropriate committee

for the information of its members and for inclusion in bills which receive an ought to pass report when reported by the committee. A statement shall not be necessary for any bill which has no cost to municipalities or counties; and

[ 1985, c. 501, Pt. B, §5 (NEW) .]

**13. Other duties.** To undertake such other duties as are assigned by the Executive Director.

[ 1985, c. 501, Pt. B, §5 (NEW) .]

#### SECTION HISTORY

1985, c. 501, §B5 (NEW). 1987, c. 816, §KK2 (AMD).

### **§164. DIRECTOR OF LEGISLATIVE RESEARCH; FUNCTIONS AND DUTIES** **(REPEALED)**

#### SECTION HISTORY

1969, c. 8, §1 (AMD). 1971, c. 480, §4 (AMD). 1973, c. 46, (AMD). P&SL 1973, c. 220, §4 (AMD). 1973, c. 590, §§6,7 (AMD). 1973, c. 788, §4 (AMD). 1979, c. 396, §7 (AMD). 1983, c. 2, §4 (AMD). 1985, c. 501, §B6 (RP).

### **§165. JOINT COMMITTEES, AUTHORITY**

The Legislature may by rule establish such joint standing committees and joint select committees as it deems necessary. Such committees shall have the authority, both when the Legislature is in session and when it is not in session: [ 1973, c. 590, §8 (NEW) .]

**1. Collect information.** To collect information concerning the government and general welfare of the State as related to assignments received from the council;

[ 1973, c. 590, §8 (NEW) .]

**2. Information and reports provided.** To assist the Legislature in the proper performance of its constitutional functions by providing its members with impartial and accurate information and reports concerning the legislative problems which are assigned by the Legislative Council which information may be obtained by independent studies or by cooperation with and information from similar agencies in other states as to the practice of other states in dealing with similar problems;

[ 1973, c. 590, §8 (NEW) .]

**3. Quorum.** A majority of the members of a committee shall constitute a quorum, and a majority thereof shall have the authority to act in any matter falling within the jurisdiction of the committee. A committee may hold either public or private hearings and may hold executive sessions, excluding all except members of the committee;

[ 1973, c. 590, §8 (NEW) .]

**4. State department to furnish information.** Each state department shall furnish to a committee such documents, material or information as may be requested by a committee;

[ 1973, c. 590, §8 (NEW) .]

**5. Minutes.** A committee shall keep minutes of matters considered and votes taken at its meetings and shall make reports to the Legislature on all matters which come before the committee, the actions taken thereon and the progress made in relation thereto;

[ 1973, c. 590, §8 (NEW) .]

**6. Reports to Legislature and public.** Reports of a committee may be made from time to time to members of the Legislature and to the public;

[ 1973, c. 590, §8 (NEW) .]

**7. Other subpoenas, etc.** When the duties assigned to a committee so require, the Legislature may grant to it the power to administer oaths, issue subpoenas, compel the attendance of witnesses and the production of any papers, books, accounts, documents and testimony, and to cause the deposition of witnesses, whether residing within or without the State to be taken in the manner prescribed by law for taking depositions in civil actions in the Superior Court. When the Legislature grants this power to a joint standing committee or joint select committee, such committee shall function as an investigating committee and shall be subject to the provisions of chapter 21. No appropriation or allocation may be made for a specific study unless the Legislative Council has first approved a budget adopted by the joint standing committee which is to conduct the study. No appropriation or allocation may be made for the operation of any joint select committee unless the Legislative Council has first approved a budget adopted by the joint select committee. In case of disobedience on the part of any person to comply with any subpoena issued in behalf of a committee, or on the refusal of any witness to testify to any matters regarding which he may be lawfully interrogated, it shall be the duty of the Superior Court of any county, on application of a member of a committee, to compel obedience by proceedings for contempt, as in the case of disobedience of the requirements of a subpoena issued from such court or a refusal to testify therein. Each witness, other than a state officer or employee, who appears before a committee by its order or subpoena shall receive for his attendance the fees and mileage provided for witnesses in civil cases in courts of record, which shall be audited and paid upon the presentation of proper vouchers sworn to by such witness and approved by the chairman of the committee;

[ 1985, c. 377, §1 (AMD) .]

## 8.

[ 1975, c. 750, §2 (RP) .]

### SECTION HISTORY

1973, c. 590, §8 (NEW). 1975, c. 593, §§1,2 (AMD). 1975, c. 623, §3 (AMD). 1975, c. 750, §2 (AMD). 1975, c. 770, §6 (AMD). 1985, c. 377, §1 (AMD).

## §166. DIRECTOR OF LEGISLATIVE ASSISTANTS

*(REPEALED)*

### SECTION HISTORY

1973, c. 590, §9 (NEW). 1975, c. 770, §7 (AMD). 1983, c. 2, §5 (RPR). 1985, c. 501, §B7 (RP).

## §167. LEGISLATIVE FINANCE OFFICER; DUTIES

*(REPEALED)*

### SECTION HISTORY

P&SL 1973, c. 220, §5 (AMD). 1973, c. 590, §10 (NEW). 1979, c. 406, (AMD). 1979, c. 541, §A9 (AMD). 1983, c. 2, §6 (AMD). 1985, c. 501, §B8 (RP).

## §168. STAFF ASSISTANTS TO LEGISLATIVE LEADERSHIP

The President of the Senate, the Majority and Minority Floor Leaders of the Senate, the Speaker of the House of Representatives, and the Majority and Minority Floor Leaders of the House of Representatives shall each have the authority to appoint, at his discretion, a personal staff assistant, or more than one assistant if their aggregate salary does not exceed that of the single personal staff assistant, when the Legislature is in session and at such other times as might be necessary, with the approval of the Legislative Council. [1983, c. 2, Pt. H, (AMD).]

### SECTION HISTORY

1973, c. 590, §11 (NEW). 1975, c. 623, §§3-A (AMD). 1975, c. 770, §8 (AMD). 1977, c. 564, §§11-A (AMD). 1983, c. 32, §H (AMD).

## §168-A. LEGISLATIVE YOUTH ADVISORY COUNCIL

*(REPEALED)*

### SECTION HISTORY

2001, c. 439, §PPPP1 (NEW). 2001, c. 439, §PPPP4 (AFF). 2003, c. 20, §§F2,3 (AMD). 2003, c. 481, §§1,2 (AMD). 2003, c. 689, §B6 (REV). 2005, c. 414, §§1,2 (AMD). 2005, c. 616, §§A1,B1-4 (AMD). 2007, c. 679, §§1, 2 (AMD). 2009, c. 623, §1 (RP).

## §168-B. LEGISLATIVE YOUTH ADVISORY COUNCIL

The Legislative Youth Advisory Council, referred to in this section as "the council," is created to advise the Legislature on policy matters related to youth. [2009, c. 623, §2 (NEW).]

**1. Membership.** The council consists of 20 members appointed in accordance with this subsection. In appointing members, the appointing authorities shall strive to ensure a balance among members in terms of statewide geographic distribution and gender. All appointments are for the duration of the legislative term for which the members are appointed and expire upon the convening of the next Legislature. Members may be reappointed to subsequent terms on the council as long as they are eligible at the time of their reappointment.

A. The President of the Senate shall appoint the following 10 members:

- (1) Two members of the Senate representing the 2 largest political parties in the Senate; and
- (2) Eight youths who have attained 15 years of age and who are enrolled in programs that lead to a secondary school diploma or certificate of attendance or a general equivalency diploma or are enrolled in equivalent instruction programs under Title 20-A, chapter 211, subchapter 1-A. The youth members must be appointed from names recommended for appointment by the 2 appointed members of the Senate. [2009, c. 623, §2 (NEW).]

B. The Speaker of the House shall appoint the following 10 members:

- (1) Two members of the House of Representatives representing the 2 largest political parties in the House; and

(2) Eight youths who have attained 15 years of age and who are enrolled in programs that lead to a secondary school diploma or certificate of attendance or a general equivalency diploma or are enrolled in equivalent instruction programs under Title 20-A, chapter 211, subchapter 1-A. The youth members must be appointed from names recommended for appointment by the 2 appointed members of the House of Representatives. [2009, c. 623, §2 (NEW).]

[ 2009, c. 623, §2 (NEW) .]

**2. Chairs.** The first appointed Senate member is the Senate chair of the council and the first appointed House member is the House chair of the council.

[ 2009, c. 623, §2 (NEW) .]

**3. Compensation.** Members of the council who are Legislators are entitled to the legislative per diem and to reimbursement of reasonable expenses incurred in attending meetings of the council. Youth members of the council are entitled to reimbursement of reasonable expenses incurred in attending meetings of the council only upon a demonstration of financial hardship.

[ 2009, c. 623, §2 (NEW) .]

**4. Meetings.** The council may hold 2 meetings in each calendar year in a location in the State chosen by the chairs. There is no quorum requirement for the meetings. Legislative members shall encourage the use of social networking media during and between meetings to facilitate communication and participation of council members and others interested in the council's work. The legislative members shall encourage the participation of youth members in the legislative process by providing opportunities during the legislative session for youth members to shadow legislative members, attend hearings and work sessions of legislative committees and testify before the committees on legislation of interest to youth. Shadowing and participatory activities are not considered meetings of the council.

[ 2009, c. 623, §2 (NEW) .]

**5. Report.** The council shall submit a biennial report to the Legislative Council no later than the 2nd Friday in February of even-numbered years, beginning in 2012. The report may include recommendations on policy issues before the Legislature pertaining to youth and may include recommended legislation.

[ 2009, c. 623, §2 (NEW) .]

**6. Staff.** The Legislative Council may authorize staff support for the council for meetings held during the legislative interim.

[ 2009, c. 623, §2 (NEW) .]

#### SECTION HISTORY

2009, c. 623, §2 (NEW).

## §169. CONSTITUENT SERVICE OFFICER; FUNCTIONS AND DUTIES (REPEALED)

#### SECTION HISTORY

1973, c. 590, §12 (NEW). 1985, c. 501, §B9 (RP).

## **§170. PARTISAN EMPLOYEES; RESTRICTED ACTIVITIES**

Partisan legislative employees who assume active roles in campaigns shall either limit their activities to evenings and weekends or take leave to pursue these activities if they occur during the Legislature's regular business day, which is 8 a.m. to 5 p.m. This includes fund raising for campaign efforts as well as other activities that are directly related to election or reelection efforts. [1995, c. 100, §1 (NEW).]

### SECTION HISTORY

1995, c. 100, §1 (NEW).

## **§170-A. USE OF LEGISLATIVE EQUIPMENT AND RESOURCES**

Legislative employees are prohibited from at any time using the computer system, telephones, copying machines and other legislative equipment for work related to campaigns. [1995, c. 100, §1 (NEW).]

### SECTION HISTORY

1995, c. 100, §1 (NEW).

## **Subchapter 2: LAW AND LEGISLATIVE REFERENCE LIBRARY**

## **§171. DECLARATION OF POLICY**

The Legislature declares that it is the policy of the State to provide a law and legislative reference library adequate to the informational needs of the Legislature, other branches of State Government and the citizens of Maine. [1971, c. 480, §1 (NEW).]

### SECTION HISTORY

1971, c. 480, §1 (NEW).

## **§172. STATE LAW LIBRARIAN (REPEALED)**

### SECTION HISTORY

1971, c. 480, §1 (NEW). P&SL 1973, c. 220, §6 (AMD). 1973, c. 590, §13 (AMD). 1975, c. 770, §9 (RP).

## **§172-A. STATE LAW LIBRARY; ADMINISTRATION**

The Executive Director of the Legislative Council shall assign, direct and supervise, subject to the control of the council, the activities of the State law and legislative reference library. [1985, c. 501, Pt. B, §10 (NEW).]

### SECTION HISTORY

1985, c. 501, §B10 (NEW).

## **§173. STATE LAW LIBRARY; SERVICES**

The State Law Library shall provide the following services: [1985, c. 501, Pt. B, §11 (AMD).]

**1. Legislative reference service.** Provide a comprehensive reference service on legislative problems for all members of the Legislature and its committees, equally and impartially, and to the limits of its staff and facilities. Such reference services shall be available also to public officials and to citizens generally.

Collect, index and make available in the most suitable form information relative to governmental subjects which will aid the Legislature, other public officials and citizens to perform their duties in an enlightened manner.

[ 1971, c. 480, §1 (NEW) .]

**2. Law library.** Provide a law library for the use of all agencies of State Government, the judiciary, attorneys and citizens of Maine.

[ 1985, c. 501, Pt. B, §11 (AMD) .]

**3. Distribution, sale and exchange of law books.** Copies of the Revised Statutes, supplements thereto and session laws shall be delivered by the printer to the State Law Librarian for distribution and sale in accordance with prices, policies and procedures established by the Legislative Council. All proceeds from such sales shall be deposited to the credit of the General Fund.

A.

Copies shall be sent, on an exchange basis, to the Library of Congress, secretary of the Maine State Bar Association, the Supreme Court Library of Canada and to each state or territorial library in the United States.

One copy of the laws passed by each session of the Legislature shall be given to each Member thereof, the Secretary of the Senate, the Assistant Secretary of the Senate, the Clerk of the House and the Assistant Clerk of the House. [1985, c. 501, Pt. B, §11 (RP) .]

B. [1985, c. 501, Pt. B, §11 (RP) .]

C. [1985, c. 501, Pt. B, §11 (RP) .]

The State Law Librarian may, in his discretion, sell surplus copies of volumes entrusted to him or use them for exchange purposes to increase the usefulness of the library. Proceeds from all sales shall be deposited to the credit of the General Fund.

[ 1985, c. 501, Pt. B, §11 (AMD) .]

#### SECTION HISTORY

1971, c. 480, §1 (NEW). P&SL 1975, c. 147, §H1 (AMD). 1975, c. 771, §§12-14 (AMD). 1977, c. 506, §§1-3 (AMD). 1981, c. 48, §2 (AMD). 1985, c. 501, §B11 (AMD).

## §174. ADMINISTRATIVE PROVISIONS

*(REPEALED)*

#### SECTION HISTORY

1971, c. 480, §1 (NEW). 1975, c. 770, §10 (RPR). 1979, c. 396, §8 (AMD). 1983, c. 2, §7 (AMD). 1985, c. 501, §B12 (RP).



## Chapter 9: COMMISSION ON INTERSTATE COOPERATION

### §201. COMMISSION ON INTERSTATE COOPERATION

*(REPEALED)*

#### SECTION HISTORY

1983, c. 812, §3 (AMD). 2001, c. 352, §1 (RP).

### §202. TENURE OF OFFICE

*(REPEALED)*

#### SECTION HISTORY

2001, c. 352, §1 (RP).

### §203. ORGANIZATION AND PROCEDURE

*(REPEALED)*

#### SECTION HISTORY

2001, c. 352, §1 (RP).

### §204. FUNCTIONS OF COMMISSION

*(REPEALED)*

#### SECTION HISTORY

2001, c. 352, §1 (RP).

### §205. COMMITTEES

*(REPEALED)*

#### SECTION HISTORY

2001, c. 352, §1 (RP).

### §206. REPORTS; SERVICE WITHOUT COMPENSATION

*(REPEALED)*

#### SECTION HISTORY

1983, c. 812, §4 (AMD). 2001, c. 352, §1 (RP).

## Chapter 10: MAINE-CANADIAN LEGISLATIVE RELATIONS

### Subchapter 1: MAINE-CANADIAN LEGISLATIVE ADVISORY COMMISSION AND OFFICE

#### §221. TITLE

This chapter shall be known and may be cited as the "Maine-Canadian Legislative Advisory Commission Act." [1977, c. 605, §1 (NEW).]

##### SECTION HISTORY

1977, c. 605, §1 (NEW).

#### §222. POLICY AND PURPOSE

The Legislature finds that there exists between Maine and its neighboring Canadian Provinces of New Brunswick, Quebec, Nova Scotia, Prince Edward Island and Newfoundland, a broad range of shared experience, cultural traditions, social and economic conditions and common goals, including shared recognition of the urgent need to strengthen human services, to effectively use and conserve our natural resources and to pursue economic development within a framework of responsible environmental regulation. [1977, c. 605, §1 (NEW).]

The Legislature further finds that Maine enjoys with these provinces an increasing level of cooperation, commerce and other interaction as the opportunity and need for this interaction are increasingly recognized by both public and private officials. [1977, c. 605, §1 (NEW).]

The Legislature declares that it attaches the highest importance to the pursuit of common goals and to the further strengthening of relations in all areas between Maine and the Canadian Provinces. [1977, c. 605, §1 (NEW).]

The Legislature further declares that one of the best ways of pursuing these common goals and of strengthening these relations is to encourage understanding and cooperation between itself and the legislative bodies of the Canadian Provinces and thus between the citizens of Maine and those of the Provinces of Canada. [1977, c. 605, §1 (NEW).]

##### SECTION HISTORY

1977, c. 605, §1 (NEW).

#### §223. MAINE-CANADIAN LEGISLATIVE ADVISORY OFFICE

There is established a Maine-Canadian Legislative Advisory Office which shall be concerned with strengthening all areas of regional cooperation between the Legislature of Maine and the legislative bodies of Maine's neighboring Canadian Provinces, and with encouraging economic, cultural and educational exchange between Maine and these provinces. The Speaker of the House is authorized to exercise day-to-day supervision over the Maine-Canadian Legislative Advisory Office until such time as otherwise provided for by the Legislative Council and the Maine-Canadian Legislative Advisory Commission. [1987, c. 816, Pt. KK, §3 (AMD).]

##### SECTION HISTORY

1977, c. 605, §1 (NEW). 1987, c. 816, §KK3 (AMD).

## §224. DIRECTOR

The executive head of the Maine-Canadian Legislative Advisory Office shall be the director, who shall be appointed by the Speaker of the House and the President of the Senate with the approval of the Maine-Canadian Legislative Advisory Commission. The director shall be paid a salary fixed by the Legislative Council from sums available under section 226. The director shall be able to speak the French language fluently. He shall report to and be subject to the direction of the Legislative Council. [1977, c. 605, §1 (NEW).]

### SECTION HISTORY

1977, c. 605, §1 (NEW).

## §225. DIRECTOR; POWERS AND DUTIES

The Director of the Maine-Canadian Legislative Advisory Office shall: [1977, c. 605, §1 (NEW).]

**1. Recommend ways to strengthen regional cooperation.** Recommend to the Legislature methods of strengthening all areas of regional cooperation with Canada;

[ 1977, c. 605, §1 (NEW) .]

**2. Study and evaluate existing activities.** Study and evaluate existing activities in the State on both the governmental and private levels involving cooperation with Canada, and particularly with the Provinces of Quebec, New Brunswick, Nova Scotia, Newfoundland and Prince Edward Island;

[ 1977, c. 605, §1 (NEW) .]

**3. Determine new areas for cooperation.** Determine new areas for fruitful regional cooperation, with particular attention to the potential for social betterment, economic growth, improved natural resource utilization and management and the enhancement of the environment;

[ 1977, c. 605, §1 (NEW) .]

**4. Encourage exchanges.** Encourage and assist economic, governmental, cultural and educational exchanges and other modes of improved contact with Canada;

[ 1977, c. 605, §1 (NEW) .]

**5. Disseminate information.**

[ 1987, c. 884, Pt. C, §1 (RP) .]

**6. Administer certain funds.** Administer those funds which may be available to it for the purposes of assisting in the development of improved relations and cooperation both between Maine and Canada, especially between the Legislature of Maine and the legislative bodies of Canada.

The director shall administer the funds and pay the necessary expenses for the New England and Eastern Canada Legislative Commission.

[ 1985, c. 775, §2 (AMD) .]

### SECTION HISTORY

1977, c. 605, §1 (NEW). 1985, c. 775, §2 (AMD). 1987, c. 884, §C1 (AMD).

**§226. FUNDS**

Funds from the Federal Government, state appropriation, or from any individual, group, foundation, corporation or other private source may be accepted by the Maine-Canadian Legislative Advisory Office and expended for purposes consistent with this chapter. [1977, c. 605, §1 (NEW).]

## SECTION HISTORY

1977, c. 605, §1 (NEW).

**§227. MAINE-CANADIAN LEGISLATIVE ADVISORY COMMISSION**

The Maine-Canadian Legislative Advisory Commission, as authorized by Title 5, section 12004-K, subsection 10, shall consist of 8 members, all of whom shall be citizens of this State. The Speaker of the House shall appoint 4 members, 2 for a term of one year and 2 who must be members of the House of Representatives who shall each hold office from the date of appointment until the term of election to the Legislature expires. The President of the Senate shall appoint 4 members, 2 for a term of one year and 2 who must be Senators who shall each hold office from the date of appointment until the term of election to the Legislature expires. At least one member appointed by the President of the Senate and one member appointed by the Speaker of the House shall be fluent in the French language. In the event of the death or resignation of any member, the vacancy shall be filled for the remainder of the term in the same manner as the original appointment. [1991, c. 1, §1 (COR).]

Members shall be compensated as provided in Title 5, chapter 379. Four members shall constitute a quorum. The commission shall designate one of its members as chairman. [1983, c. 812, §5 (AMD).]

## SECTION HISTORY

1977, c. 605, §1 (NEW). 1983, c. 812, §5 (AMD). 1985, c. 775, §3 (AMD). 1985, c. 809, (AMD). 1987, c. 402, §A215 (AMD). 1989, c. 503, §B3 (AMD). RR 1991, c. 1, §1 (COR).

**§228. DUTIES; MEETINGS**

The commission shall advise the director in the carrying out of his powers and duties, shall assist him in encouraging increased cooperation between Maine and Canada, and especially between the Legislature of Maine and the legislative bodies of Canada and shall assist him in encouraging economic, cultural and educational exchanges between Maine and the Canadian Provinces. The commission shall meet at least 4 times in each year with the director and at such other times on the call of the chairman, at the request of the director or at the request of any member, as shall be necessary to carry out the duties outlined in this section. [1977, c. 605, §1 (NEW).]

## SECTION HISTORY

1977, c. 605, §1 (NEW).

## Subchapter 2: NEW ENGLAND AND EASTERN CANADA LEGISLATIVE COMMISSION

**§231. COMMISSION**

**1. Commission.** The New England and Eastern Canada Legislative Commission, as established by Title 5, section 12004-K, subsection 11, and in this chapter called the "commission," shall consist of 4 members from Maine, together with the same number of members appointed according to the laws of each of the other member jurisdictions.

[ 1989, c. 503, Pt. B, §4 (AMD) .]

**2. Membership.** The members of the commission from Maine shall be the 2 Senators and the 2 members of the House of Representatives who are appointed to the Maine-Canadian Legislative Advisory Commission pursuant to section 227.

[ 1985, c. 775, §4 (NEW) . ]

**3. Term.** Each member of the commission from Maine shall hold office from the date of his appointment until the term of his election to the Legislature expires.

[ 1985, c. 775, §4 (NEW) . ]

**4. Compensation.** Members of the commission from Maine shall be compensated in accordance with Title 5, chapter 379.

[ 1985, c. 775, §4 (NEW) . ]

**5. Chairmen.** The members of the commission from Maine shall, by majority vote, select the cochairman or chairmen who shall, together with a cochairman selected by the members of the commission from the other member jurisdictions, preside over the commission.

[ 1985, c. 775, §4 (NEW) . ]

**6. Meetings.** The commission shall meet at such times and places as are mutually agreed upon by the cochairmen.

[ 1985, c. 775, §4 (NEW) . ]

#### SECTION HISTORY

1985, c. 775, §4 (NEW). 1989, c. 503, §B4 (AMD).

## §232. POWERS AND DUTIES

The commission has the following powers and duties: [1985, c. 775, §4 (NEW) . ]

**1. Facilitate relations.** To recommend to the Legislature of Maine and the legislative bodies of other member jurisdictions methods of facilitating relations and strengthening regional cooperation between the member jurisdictions;

[ 1985, c. 775, §4 (NEW) . ]

**2. Exchanges.** To encourage economic, cultural and educational exchanges between the member jurisdictions;

[ 1985, c. 775, §4 (NEW) . ]

**3. Legislative conference.** To host the New England and Eastern Canada Legislative Conference and to select the site for that conference; and

[ 1985, c. 775, §4 (NEW) . ]

**4. Mutual interest.** To identify mutual interests shared by the member jurisdictions and to recommend methods of fostering those mutual interests.

[ 1985, c. 775, §4 (NEW) .]

SECTION HISTORY

1985, c. 775, §4 (NEW).

## Chapter 11: COMMISSION ON UNIFORM STATE LAWS

### §241. ORGANIZATION AND DUTIES

The Commission on Uniform State Laws, as established by Title 5, section 12004-K, subsection 8, shall consist of 3 members to be appointed for a term of 4 years by the Governor. The commission shall also consist of any residents who, because of long service in the cause of state legislation, are elected life members of the National Conference of Commissioners on Uniform State Laws. The commission shall examine subjects on which uniformity of legislation in the different states is desirable; ascertain the best means to effect uniformity; cooperate with the commissioners of other states in the consideration and drafting of uniform acts for submission to the Legislatures of the several states; and prepare bills for introduction in the Legislature. [1989, c. 503, Pt. B, §5 (AMD).]

Each commissioner shall be compensated as provided in Title 5, chapter 379. [1983, c. 812, §6 (AMD).]

#### SECTION HISTORY

1975, c. 771, §15 (AMD). 1983, c. 812, §6 (AMD). 1987, c. 501, §1 (AMD). 1989, c. 503, §B5 (AMD).

## Chapter 13: COMMISSION ON INTERGOVERNMENTAL RELATIONS

### §271. ESTABLISHMENT OF COMMISSION

*(REPEALED)*

#### SECTION HISTORY

1983, c. 812, §7 (AMD). 1987, c. 786, §1 (RP).

### §272. TENURE OF OFFICE

*(REPEALED)*

#### SECTION HISTORY

1987, c. 786, §1 (RP).

### §273. ORGANIZATION AND PROCEDURE

*(REPEALED)*

#### SECTION HISTORY

1969, c. 238, (AMD). 1985, c. 737, §B2 (AMD). 1987, c. 786, §1 (RP).

### §274. FUNCTIONS

*(REPEALED)*

#### SECTION HISTORY

1987, c. 786, §1 (RP).

### §275. MEETINGS; HEARINGS; COMMITTEES

*(REPEALED)*

#### SECTION HISTORY

1987, c. 786, §1 (RP).

### §276. REPORTS; COMPENSATION

*(REPEALED)*

#### SECTION HISTORY

1983, c. 812, §8 (AMD). 1987, c. 786, §1 (RP).



## Chapter 15: LOBBYIST DISCLOSURE PROCEDURES

### §311. DECLARATION OF PURPOSE

The Constitution of Maine guarantees the right of the people to petition their government for the redress of grievances and to freely express their opinions on legislation and issues. The Legislature reaffirms its obligation to hear the requests and opinions of all of the people, and to preserve and maintain the integrity and accessibility of the legislative process. [1975, c. 724, (REEN).]

The Legislature recognizes that groups of citizens may choose one among them to present their views to Legislators, and, because of the amount and complexity of proposed legislation, may employ persons knowledgeable in the legislative process to present their views. Such activities are proper methods of expressing the opinion of a group of citizens. [1975, c. 724, (REEN).]

The Legislature also recognizes that such activities must be carried out openly so that other citizens are aware of the opinions and requests made in this manner. Legislative decisions can fully reflect the will of all the people only if the opinions expressed by any citizen are known to all and debated by all, and if the representatives of groups of citizens are identified and their expenditures and activities are regularly disclosed. [1975, c. 724, (REEN).]

Therefore, the Legislature declares that, in order to insure the full participation of all the people of the State in the legislative process, full disclosure of the identity, expenditures and activities of any persons who engage in professional lobbying is required. Such disclosure will insure the openness and integrity of the legislative process and encourage the expression of the will of all the people of the State. [1975, c. 724, (REEN).]

#### SECTION HISTORY

1971, c. 35, (AMD). 1973, c. 340, §1 (AMD). 1975, c. 576, (RPR). 1975, c. 621, §2 (RP). 1975, c. 724, (REEN).

### §312. DEFINITIONS

*(REPEALED)*

#### SECTION HISTORY

1973, c. 340, §1 (AMD). 1975, c. 576, (RPR). 1975, c. 621, §2 (RP). 1975, c. 724, (REEN). 1983, c. 160, §1 (RP).

### §312-A. DEFINITIONS

As used in this chapter, unless the context otherwise indicates, the following words have the following meanings. [1983, c. 160, §1 (NEW).]

**1. Campaign fund raising activity.** "Campaign fund raising activity" means any event or solicitation by letter or any other means that is held for the purpose of receiving contributions for a political party, political committee, political action committee, candidate for political office in any primary or election, any elected official or a referendum committee.

[ 1993, c. 446, Pt. A, §1 (AMD); 1993, c. 446, Pt. A, §20 (AFF) .]

**1-A. Campaign contribution.** "Campaign contribution" is a contribution, as defined in Title 21-A, section 1012, subsection 2.

[ 1993, c. 446, Pt. A, §2 (NEW) .]

**2. Committee.** "Committee" means any committee, subcommittee, joint or select committee of the Legislature or any special committee or commission, by whatever name, established by the Legislature to make recommendations for legislative action or to develop legislation.

[ 1983, c. 160, §1 (NEW) .]

**2-A. Commission.** "Commission" means the Commission on Governmental Ethics and Election Practices as defined in Title 1, chapter 25.

[ 1993, c. 446, Pt. B, §1 (NEW) .]

**3. Communicate.** "Communicate" means the act of expressing, imparting or conveying information or impressions from one person to another, by either oral or written means.

[ 1983, c. 160, §1 (NEW) .]

**4. Compensation.** "Compensation" means anything of value that is received or to be received in return for, or in connection with, services rendered or to be rendered.

[ 1993, c. 446, Pt. A, §3 (AMD) .]

**4-A. Covered official.** "Covered official" means an official in the executive branch, an official in the legislative branch, a constitutional officer, the Governor and the Governor's cabinet and staff.

[ 2007, c. 630, §1 (NEW) .]

**4-B. Domestic partner.** "Domestic partner" means the partner of an individual who:

A. Is a mentally competent adult as is the individual; [ 2007, c. 630, §2 (NEW) .]

B. Has been legally domiciled with the individual for at least 12 months; [ 2007, c. 630, §2 (NEW) .]

C. Is not legally married to or legally separated from another individual; [ 2007, c. 630, §2 (NEW) .]

D. Is the sole partner of the individual and expects to remain so; and [ 2007, c. 630, §2 (NEW) .]

E. Is jointly responsible with the individual for each other's common welfare as evidenced by joint living arrangements, joint financial arrangements or joint ownership of real or personal property. [ 2007, c. 630, §2 (NEW) .]

[ 2007, c. 630, §2 (NEW) .]

**5. Employer.** "Employer" means a person who agrees to reimburse for expenditures or to compensate a person who in return agrees to provide services. Employer includes any political action committee as defined in this section which communicates through or uses the services of a lobbyist to make campaign contributions or to influence in any way the political process.

[ 1983, c. 160, §1 (NEW) .]

**6. Employment.** "Employment" means an agreement to provide services in exchange for compensation or reimbursement of expenditures.

[ 1983, c. 160, §1 (NEW) .]

**7. Expenditure.** "Expenditure" means anything of value or any contract, promise or agreement to transfer anything of value, whether or not legally enforceable.

A. [1993, c. 691, §4 (RP).]

B. [2007, c. 630, §3 (RP).]

C. [2007, c. 630, §3 (RP).]

[ 2007, c. 630, §3 (AMD) . ]

**7-A. Immediate family.** "Immediate family" means a person's spouse or domestic partner and dependent children.

[ 2007, c. 630, §4 (AMD) . ]

**7-B. Indirect lobbying.** "Indirect lobbying" means to communicate with members of the general public to solicit them to communicate directly with any covered official for the purpose of influencing legislative action, other than legislation that is before the Legislature as a result of a direct initiative in accordance with the Constitution of Maine, Article IV, Part Third, Section 18, when that solicitation is made by:

A. A broadcast, cable or satellite transmission; [2009, c. 282, §1 (NEW).]

B. A communication delivered by print media; or [2009, c. 282, §1 (NEW).]

C. A letter or other written communication delivered by mail or by comparable delivery service. E-mail is not considered a letter for the purposes of this paragraph. [2009, c. 282, §1 (NEW).]

[ 2009, c. 282, §1 (NEW) . ]

**8. Legislative action.** "Legislative action" means the drafting, introduction, consideration, modification, enactment or defeat of any bill, resolution, amendment, report, nomination or other matter by the Legislature, by either the House of Representatives or the Senate, any committee or an official in the Legislative Branch acting in his official capacity, or action of the Governor in approving or vetoing any legislative document presented to the Governor for his approval.

[ 1983, c. 160, §1 (NEW) . ]

**8-A. Legislative designee.** "Legislative designee" means any employee of a state department or agency who is directed by the head of the department or agency to lobby or monitor legislation on behalf of the department or agency. "Legislative designee" includes an employee who is reasonably expected to lobby or monitor legislation on behalf of the department or agency for more than 20 hours during the session. For the purposes of this subsection, "monitoring legislation" means attending legislative hearings and sessions regarding a legislative action.

[ 2007, c. 630, §5 (NEW) . ]

**9. Lobbying.** "Lobbying" means to communicate directly with any official in the legislative branch or any official in the executive branch or with a constitutional officer for the purpose of influencing any legislative action or with the Governor or the Governor's cabinet and staff for the purpose of influencing the approval or veto of a legislative action when reimbursement for expenditures or compensation is made for those activities. "Lobbying" includes the time spent to prepare and submit to the Governor, an official in the legislative branch, an official in the executive branch, a constitutional officer or a legislative committee oral and written proposals for, or testimony or analyses concerning, a legislative action. "Lobbying" does not include time spent by any person providing information to or participating in a subcommittee, stakeholder

group, task force or other work group regarding a legislative action by the appointment or at the request of the Governor, a Legislator or legislative committee, a constitutional officer, a state agency commissioner or the chair of a state board or commission.

[ 2007, c. 630, §6 (AMD) .]

**10. Lobbyist.** "Lobbyist" means any person who is specifically employed by another person for the purpose of and who engages in lobbying in excess of 8 hours in any calendar month, or any individual who, as a regular employee of another person, expends an amount of time in excess of 8 hours in any calendar month in lobbying. "Lobbyist" does not include a lobbyist associate. "Lobbyist" does not include an individual who receives no compensation for lobbying other than reimbursement for lobbying-related travel within the State and reimbursement for other out-of-pocket expenditures made by the individual for printing, postage and food and lodging connected with lobbying activities paid for by the individual. For the purposes of this subsection, "reimbursement for other out-of-pocket expenditures" does not include reimbursement for the individual's time spent lobbying that would have been otherwise compensated by an employer or in the course of the individual's employment.

[ 2009, c. 234, §1 (AMD) .]

**10-A. Lobbyist associate.** "Lobbyist associate" means an individual who:

A. Is a partner, associate or employee of a lobbyist or is a coemployee of a regular employee of another person if that regular employee is registered as a lobbyist; [1993, c. 691, §6 (NEW) .]

B. Lobbies on behalf of the employer named on the lobbyist registration; and [1993, c. 691, §6 (NEW) .]

C. Expends more than 8 hours in any calendar month lobbying on behalf of an employer of the lobbyist. [1993, c. 691, §6 (NEW) .]

[ 1993, c. 691, §6 (RPR) .]

**10-B. Media outlet.** "Media outlet" means a radio or television station, a cable television system, newspapers, magazines and other published written materials.

[ 1993, c. 446, Pt. A, §7 (NEW) .]

**10-C. Official in the executive branch.** "Official in the executive branch" means an individual in a major policy-influencing position in a department or agency listed in section 959 or in Title 5, chapter 71 and the Governor's cabinet and staff. As used in this chapter, "major policy-influencing position" means those positions listed in Title 5, chapter 71 and officers or employees of departments and agencies listed in section 959 and in Title 5, chapter 71 who have policy development as a major function of their positions.

[ 2007, c. 630, §7 (AMD) .]

**11. Official in the Legislative Branch.** "Official in the Legislative Branch" means a member, member-elect, candidate for or officer of the Legislature or an employee of the Legislature.

[ 1983, c. 160, §1 (NEW) .]

**11-A. Original source.** "Original source" means any person who contributes or pays \$1,000 or more in any lobbying year directly or indirectly to any employer of a lobbyist for purposes of lobbying or indirect lobbying, except that contributions of membership dues to nonprofit corporations formed under Title 13-B, under any equivalent state law or by legislative enactment are not considered contributions by an original source.

[ 2009, c. 282, §2 (AMD) .]

**12. Person.** "Person" means an individual, corporation, proprietorship, joint stock company, business trust, syndicate, association, professional association, labor union, firm, partnership, club or other organization, whether profit or nonprofit, or any municipality or quasi-municipality or group of persons acting in concert, but does not include this State or any other agency of this State.

[ 1993, c. 691, §8 (AMD) . ]

**13. Political Action Committee.** "Political Action Committee" includes:

A. Any separate or segregated fund established by any corporation, membership organization, cooperative or labor organization whose purpose is to influence the outcome of an election, including a candidate or question; and [1983, c. 160, §1 (NEW) . ]

B. Any person, as defined in subsection 12 which serves as a funding and transfer mechanism and by which moneys are expended to advance, promote, defeat, influence in any way, or initiate a candidate, campaign, political party, referendum or initiated petition in this State. [1983, c. 160, §1 (NEW) . ]

[ 1983, c. 160, §1 (NEW) . ]

**14. Reimbursement.** "Reimbursement" means anything of value received or to be received as repayment for expenditures.

[ 1993, c. 446, Pt. A, §9 (AMD) . ]

**14-A. Solicit.** "Solicit" means to entreat, implore, urge or ask.

[ 2009, c. 282, §3 (NEW) . ]

**15. Year.** "Year" means a 12-month period starting December 1st and ending the following November 30th.

[ 1993, c. 446, Pt. A, §9 (AMD) . ]

**16. Anything of value.** "Anything of value" means, but is not limited to:

A. Negotiable items:

- (1) Money;
- (2) A bank bill or note;
- (3) A stock, bond, note or other investment interest in an entity;
- (4) A promissory note, bill of exchange, order, draft, warrant, check or bond given for the payment of money;
- (5) An honorarium or compensation for services;
- (6) The granting of a discount or rebate:
  - (a) Not extended to the public generally; or
  - (b) By a media outlet not extended equally to all candidates for the same office; and
- (7) The sale or trade of something for reasonable compensation that is not available ordinarily to a member of the public; [1993, c. 446, Pt. A, §10 (NEW); 1993, c. 446, Pt. A, §20 (AFF) . ]

B. Obligations:

- (1) A contract, agreement, promise or other obligation for an advance, conveyance, forgiveness of indebtedness, deposit, distribution, loan, payment, pledge or transfer of money;

- (2) A receipt given for the payment of money or other property;
- (3) A right in action;
- (4) A promise or offer of employment; and
- (5) An interest in tangible goods or chattel; [1993, c. 446, Pt. A, §10 (NEW); 1993, c. 446, Pt. A, §20 (AFF).]

C. Property. The retail or fair market value, whichever is greater, of:

- (1) A work of art, an antique or a collectible;
- (2) An automobile or other means of personal transportation;
- (3) Real property or an interest in real property, including title to realty, a fee simple or partial interest, present or future interest contingent or vested in realty, a leasehold interest or other beneficial interest in realty; and
- (4) Other tangible goods; and [1993, c. 446, Pt. A, §10 (NEW); 1993, c. 446, Pt. A, §20 (AFF).]

D. Other goods or services. The retail or fair market value, whichever is greater, of:

- (1) The purchase of tickets for an event such as a reception, rally or fund-raising event;
- (2) A meal or lodging; and
- (3) Any service not extended free of charge to other members of the public. [1993, c. 446, Pt. A, §10 (NEW); 1993, c. 446, Pt. A, §20 (AFF).]

[ 1993, c. 446, Pt. A, §10 (NEW); 1993, c. 446, Pt. A, §20 (AFF) .]

**17. State employee or state agency employee.** "State employee or state agency employee" means employees of the executive branch, the judicial branch, the Department of the Attorney General, the Department of Secretary of State, the Department of the Treasurer and any employee who directly or indirectly represents an entity listed in Title 5, chapter 379.

[ 1993, c. 691, §9 (NEW) .]

#### SECTION HISTORY

1983, c. 160, §2 (NEW). 1985, c. 779, §4 (AMD). 1987, c. 816, §KK4 (AMD). 1987, c. 868, §2 (AMD). 1993, c. 446, §§A1-10,B1,2 (AMD). 1993, c. 446, §A20 (AFF). 1993, c. 691, §§4-9 (AMD). 2007, c. 373, §§1, 2 (AMD). 2007, c. 630, §§1-8 (AMD). 2009, c. 234, §1 (AMD). 2009, c. 282, §§1-3 (AMD).

## §313. REGISTRATION OF LOBBYISTS AND EMPLOYERS

Every employer of a lobbyist and every lobbyist and lobbyist associate who lobbies on behalf of that employer shall register jointly at the office of the commission no later than 15 business days after commencement of lobbying and pay a registration fee of \$200 for the registration of each lobbyist and \$100 for the registration of each lobbyist associate or such other amounts as the commission determines approximate the cost to the commission of administering and enforcing the provisions of this chapter. [1999, c. 745, §1 (AMD).]

#### SECTION HISTORY

1975, c. 576, (RPR). 1975, c. 621, §2 (RP). 1975, c. 724, (REEN). 1977, c. 108, §1 (AMD). 1991, c. 465, §1 (AMD). 1993, c. 446, §B3 (AMD). 1993, c. 691, §10 (RPR). IB 1995, c. 1, §7 (AMD). 1999, c. 745, §1 (AMD).

## §313-A. REGISTRATION OF STATE EMPLOYEES OR STATE AGENCY EMPLOYEES

Within 15 business days of the convening of a regular legislative session, a department or agency shall register with the commission as described in section 316-A those officers or employees who will serve as the department's or agency's legislative designees for the session. The department or agency shall file an updated registration form later in the session containing any changes of its designees within 15 business days of the change. [2007, c. 630, §9 (AMD).]

### 1. Legislative designee.

[ 2007, c. 630, §9 (RP) .]

### 2. Lobbying requirements.

[ 2007, c. 630, §9 (RP) .]

An employee who is required to be registered under this section is exempt from all other requirements under the law regarding lobbyists. [2007, c. 630, §9 (AMD).]

#### SECTION HISTORY

1993, c. 691, §11 (NEW). 2007, c. 630, §9 (AMD).

## §314. DURATION OF REGISTRATION

Each joint registration filed pursuant to this chapter automatically expires on the last day of the year during which the person was registered to lobby, unless as otherwise provided. [1993, c. 446, Pt. A, §11 (AMD); 1993, c. 446, Pt. A, §20 (AFF).]

A joint registration expires if the employer notifies the commission in writing that the lobbyist is no longer engaged by the employer to lobby. If termination occurs prior to November 30th, the notification must be given within 30 days of the termination. [1993, c. 691, §12 (RPR).]

If termination is effected prior to November 30th, no further reports are required. [2011, c. 179, §1 (AMD).]

Any new registration must be filed pursuant to section 313 before any lobbying is commenced after the lobbyist's employment has been terminated. [1993, c. 446, Pt. A, §11 (AMD); 1993, c. 446, Pt. A, §20 (AFF).]

#### SECTION HISTORY

1975, c. 576, (RPR). 1975, c. 621, §2 (RP). 1975, c. 724, (REEN). 1979, c. 632, §1 (RPR). 1981, c. 82, §1 (AMD). RR 1993, c. 1, §1 (COR). 1993, c. 446, §§A11,B4 (AMD). 1993, c. 446, §A20 (AFF). 1993, c. 691, §§12,13 (AMD). 2011, c. 179, §1 (AMD).

## §315. REGISTRATION DOCKET

*(REPEALED)*

#### SECTION HISTORY

1975, c. 576, (RPR). 1975, c. 621, §2 (RP). 1975, c. 724, (REEN). 1993, c. 446, §§A12,B5 (AMD). 1993, c. 446, §A20 (AFF). 1993, c. 691, §§14,15 (AMD). 2007, c. 630, §10 (RP).

## §315-A. REGISTRATION DOCKET; DISCLOSURE WEBSITE

**1. Registration.** The commission shall prepare and maintain a docket for the registration of lobbyists and employers of lobbyists required to register pursuant to this chapter. The registration docket and all supplementary files of information and materials filed pursuant to this chapter must be open to public inspection during the office hours of the commission. The docket must contain the name of the lobbyist and the person employing the lobbyist, the business address of each, the nature of the business of the person employing the lobbyist and a statement as to the compensation that the lobbyist will receive for lobbying services or, if an exact amount is not ascertainable, the basis upon which the lobbyist will charge for services. This docket must be updated on a monthly basis and arranged and indexed as follows:

- A. An alphabetical listing of those persons who have employed a lobbyist, which listing must indicate the names of all lobbyists employed by the employer; and [2005, c. 613, §1 (NEW).]
- B. An alphabetical listing of those persons employed as lobbyists, which listing must indicate the names of all persons by whom each lobbyist is employed. [2005, c. 613, §1 (NEW).]

The docket must be reestablished annually by the commission and the docket for any year must be maintained and be available for public inspection in the office of the commission for 4 years from the expiration of the docket.

[2005, c. 613, §1 (NEW).]

**2. Disclosure website.** The commission shall develop and maintain a publicly accessible website that displays:

- A. A list of all persons who have employed a lobbyist during the current year; [2005, c. 613, §1 (NEW).]
- B. A list of all lobbyists and lobbyist associates registered for the year; [2005, c. 613, §1 (NEW).]
- C. A profile of each registered lobbyist and lobbyist associate, including contact information, the name of the lobbyist's employer or employers and, if provided by the lobbyist or lobbyist associate, a photograph of the lobbyist or lobbyist associate; [2005, c. 613, §1 (NEW).]
- D. A profile of each person employing a lobbyist, including contact information for the employer, and a list of lobbyists and lobbyist associates engaged by the employer; [2007, c. 630, §11 (AMD).]
- E. For each employer, a list of all legislative actions that have been the subject of lobbying for the year, including hyperlinks to the summary page of the Legislature's publicly accessible website for each legislative document listed; [2011, c. 179, §2 (AMD).]
- F. A list of officials in the executive branch as defined in section 312-A, subsection 10-C; and [2011, c. 179, §3 (AMD).]
- G. The monthly reports filed under section 317 and an annual summary of those monthly reports. [2011, c. 179, §4 (NEW).]

[2011, c. 179, §§2-4 (AMD).]

### SECTION HISTORY

2005, c. 613, §1 (NEW). 2007, c. 630, §11 (AMD). 2011, c. 179, §§2-4 (AMD).



## §316. REGISTRATION FORMS

The commission shall prepare and make available registration forms for the registration of lobbyists and employers required to register pursuant to section 313. These forms must include the following information: [1993, c. 691, §16 (RPR).]

**1. Names.** The name of the lobbyist, a list of the lobbyist associates, the name of the person authorized by the lobbyist to sign the registration and reports for the lobbyist and the name of the person employing the lobbyist;

[ 1993, c. 446, Pt. A, §13 (AMD); 1993, c. 446, Pt. A, §20 (AFF) .]

**2. Business addresses.** The business address and other contact information for the lobbyist, the lobbyist associates and the person employing the lobbyist;

[ 2007, c. 630, §12 (AMD) .]

**3. Date.** The date upon which lobbying commenced or was expected to commence;

[ 1993, c. 446, Pt. A, §13 (AMD); 1993, c. 446, Pt. A, §20 (AFF) .]

**4. Nature of business.** A description of the employer's business activity or mission or a description of the industry, trade or profession that the employer represents;

[ 2007, c. 630, §12 (AMD) .]

**4-A. Legislative interests.** The general areas of legislation that the employer is attempting to influence;

[ 2007, c. 630, §12 (NEW) .]

**4-B. Legislative committees.** The joint standing committees of the Legislature that the lobbyist expects to lobby during the year;

[ 2007, c. 630, §12 (NEW) .]

**4-C. Website of employer.** The address for the employer's publicly accessible website; and

[ 2007, c. 630, §12 (NEW) .]

**5. Compensation.** The amount of compensation that the lobbyist will receive for that lobbyist's services or, if an exact amount is unascertainable, the basis upon which the lobbyist will charge for those services.

[ 1993, c. 446, Pt. A, §13 (AMD); 1993, c. 446, Pt. A, §20 (AFF) .]

The lobbyist must certify that the information on that form is true, correct and complete and that the employer has approved the information in the registration. [2007, c. 630, §12 (AMD).]

### SECTION HISTORY

1975, c. 576, (RPR). 1975, c. 621, §2 (RP). 1975, c. 724, (REEN).  
1993, c. 446, §§A13,B6 (AMD). 1993, c. 446, §A20 (AFF). 1993, c. 691,  
§16 (AMD). 2007, c. 630, §12 (AMD).

## §316-A. REGISTRATION FORMS FOR STATE EMPLOYEES OR STATE AGENCY EMPLOYEES

The commission shall prepare and make available registration forms for the registration of state employees or state agency employees required to register pursuant to section 313-A. These forms must include the following information: [1993, c. 691, §17 (NEW).]

**1. Names.** The name, business address and contact information of the employee and the department or agency the employee is representing and the address for the publicly accessible website of the department or agency the employee is representing;

[ 2007, c. 630, §13 (AMD) .]

**2. Position description.** A position description;

[ 2007, c. 630, §13 (AMD) .]

**3. Description of agency.** A description of the department or agency the employee is representing, its jurisdiction and its activities; and

[ 2007, c. 630, §13 (NEW) .]

**4. Legislative interests.** The general subject areas of legislation that the department or agency is attempting to influence.

[ 2007, c. 630, §13 (NEW) .]

These forms must be signed by the employee and the signature serves as a certificate that the information on that form is true, correct and complete. [1993, c. 691, §17 (NEW).]

### SECTION HISTORY

1993, c. 691, §17 (NEW). 2007, c. 630, §13 (AMD).

## §317. REPORTS

Reports required by this section must be on forms prescribed or approved by the commission. The forms must provide for a sworn statement that the persons signing the report acknowledge the truth and completeness of all the information contained therein. [1993, c. 691, §18 (RPR).]

**1. Monthly session reports.** During the period in which the Legislature is in session, every registered lobbyist shall file with the commission, no later than 11:59 p.m. on the 15th calendar day of each month, a report concerning the lobbyist's activities for the previous month regarding each employer.

Every lobbyist shall report that lobbyist's lobbying activities for each month that the Legislature is in session, even if no lobbying has been performed or compensation or reimbursement for expenses received for the month. In the case of a lobbyist representing multiple employers, if no lobbying or services in support of lobbying were performed, one report listing each employer on whose behalf no lobbying was conducted may be submitted. The monthly report must contain the following information:

A. The month to which the report pertains; [1979, c. 632, §2 (RPR).]

B. The name and address of the lobbyist and employer; [1979, c. 632, §2 (RPR).]

C. The names of the individuals who lobbied during the month; [1979, c. 632, §2 (RPR).]

D. The specific dollar amount of compensation received for lobbying activities, as defined in section 312-A, subsection 9, during the month. The amount of compensation received for lobbying officials in the legislative branch, officials in the executive branch and constitutional officers must be reported separately.

In the case of a regular employee, the specific dollar amount must be computed by multiplying the number of hours devoted to the preparation of documents and research for the primary purpose of influencing legislative action and to lobbying by the employee's regular rate of pay based on a 40-hour week; [2007, c. 630, §14 (AMD).]

E. The specific dollar amount of expenditures made or incurred by the lobbyist during the month that is the subject of the report for purposes of lobbying as defined in section 312-A, subsection 9 for which the lobbyist has been or expects to be reimbursed. The amount of expenditures for lobbying officials in the legislative branch, officials in the executive branch and constitutional officers must be reported separately; [2007, c. 630, §14 (AMD).]

E-1. When expenditures for the purposes of indirect lobbying exceed \$15,000 during the month that is the subject of the report, the specific dollar amount of expenditures for indirect lobbying made or incurred during the month by a lobbyist, lobbyist associate or employer, with separate totals for expenditure categories as determined by the commission, the legislative actions that are the subject of the indirect lobbying and a general description of the intended recipients; [2009, c. 282, §4 (NEW).]

F. The total amount of expenditures by the lobbyist or the employer directly to or on behalf of one or more covered officials, including members of the official's immediate family; [2007, c. 630, §14 (AMD).]

G. For any expenditure of money or anything of value made by the lobbyist or employer on behalf of a covered official or a member of the official's immediate family with a total retail value of \$25 or more, the name of the official or family member, the person making the expenditure and the date, amount and purpose of the expenditure; [2007, c. 630, §14 (AMD).]

G-1. The date and a description of an event, a list of all officials in the legislative branch or executive branch or members of an official's immediate family in attendance and the total amount of expenditures for the event, if the total amount of the expenditures for officials and family members is \$250 or more; [2007, c. 373, §5 (AMD).]

H. A list of each legislative action by Legislative Document number, specific issue, nomination or other matter in connection with which the lobbyist is engaged in lobbying; [2007, c. 630, §14 (AMD).]

I. A list specifically identifying each legislative action for which the lobbyist was compensated or expects to be compensated, or expended in excess of \$1,000 for lobbying activities related to those actions and a statement of the amounts compensated or expended for each; and [2007, c. 630, §14 (AMD).]

J. A list of all of the employer's original sources and a statement of the dollar amounts contributed or paid by the original sources to the employer. If the original source is a corporation formed under Title 13 or 13-C or former Title 13-A, nonprofit corporation formed under Title 13-B or limited partnership under Title 31, the corporation, nonprofit organization or limited partnership, not the individual members or contributors, must be listed as the original source. [2009, c. 282, §5 (AMD).]

[2009, c. 282, §§4, 5 (AMD).]

## **2. Annual report.**

[2011, c. 179, §5 (RP).]

**2-A. Electronic filing.** Beginning January 1, 2006, a lobbyist shall file monthly session reports under subsection 1 through an electronic filing system developed by the commission. The commission may make an exception to this electronic filing requirement if a lobbyist submits a written request that states that the lobbyist lacks access to the technology or the technological ability to file reports electronically. The request for an exception must be submitted at least 10 days prior to the deadline for the first report that the lobbyist is required to file for the lobbying year. The commission shall grant all reasonable requests for exceptions.

[ 2011, c. 179, §6 (AMD) .]

**3. Facsimile copies.** The commission may, by rules adopted pursuant to the Maine Administrative Procedure Act, Title 5, chapter 375, establish procedures and fees by which facsimile copies of duly executed reports required by this section may be received and filed with the commission.

[ 1993, c. 446, Pt. B, §10 (AMD) .]

**4. Monthly nonsession reports.** When the Legislature is not in regular session, every registered lobbyist must either file:

A. With the lobbyist's last monthly report for that regular session a statement that the lobbyist will not engage in lobbying activities when the Legislature is not in session. The lobbyist is required to file a monthly report for lobbying activity conducted during a special session; or [1993, c. 446, Pt. A, §14 (NEW); 1993, c. 446, Pt. A, §20 (AFF).]

B. If the lobbyist is engaged in lobbying in any of those months, a monthly report in the manner prescribed in subsection 1 even if compensation or reimbursement for expenses has not been received for the month. [1993, c. 446, Pt. A, §14 (NEW); 1993, c. 446, Pt. A, §20 (AFF).]

If the lobbyist did not expect to be engaged in lobbying when the Legislature was not in session, the commission may waive the requirement for the months between the end of the session and the renewal of lobbying.

[ 1993, c. 691, §21 (AMD) .]

#### SECTION HISTORY

1975, c. 576, (NEW). 1975, c. 621, §2 (RP). 1975, c. 724, (REEN).  
1979, c. 108, §§2,3 (AMD). 1979, c. 632, §2 (RPR). 1985, c. 737, §A8  
(AMD). 1987, c. 816, §KK5 (AMD). 1987, c. 868, §1 (AMD). 1989, c. 732,  
§1 (AMD). RR 1993, c. 2, §1 (COR). 1993, c. 446, §§A14,B7-10 (AMD).  
1993, c. 446, §A20 (AFF). 1993, c. 691, §§18-21 (AMD). RR 2001, c. 2,  
§B58 (AFF). RR 2001, c. 2, §B1 (COR). 2001, c. 430, §6 (AMD). 2005, c.  
301, §4 (AMD). 2007, c. 373, §§3-5 (AMD). 2007, c. 630, §§14, 15 (AMD).  
2009, c. 282, §§4, 5 (AMD). 2011, c. 179, §§5, 6 (AMD).

## §318. RESTRICTED ACTIVITIES

**1. Contingent compensation.** No person shall accept employment as a lobbyist on a basis which makes that person's compensation contingent in any manner upon the outcome of any legislative action.

[ 1975, c. 724, (NEW) .]

**2. Instigation of legislative action.** No person shall instigate the introduction or commencement of any legislative action for the purpose of obtaining employment as a lobbyist to oppose or support such legislative action.

[ 1975, c. 724, (NEW) .]

#### SECTION HISTORY

1975, c. 576, (NEW). 1975, c. 621, §2 (RP). 1975, c. 724, (REEN).

### §318-A. PROHIBITION

Beginning January 1, 2015, a person may not engage in activities that require registration as a lobbyist or lobbyist associate as defined by section 312-A, subsections 10 and 10-A if that person has within the previous 12 months been employed in a position for which the salary is subject to adjustment by the Governor under Title 2, section 6 or that is described as a major policy-influencing position under Title 5, chapter 71. A person who violates this section may be assessed a fine of \$100 for every day the person engages in lobbying. [2013, c. 288, §1 (NEW).]

#### SECTION HISTORY

2013, c. 288, §1 (NEW).

### §319. PENALTY

**1. Failure to file registration or report.** Any person who fails to file a registration or report as required by this chapter may be assessed a fine of \$100 for every month the person fails to register or is delinquent in filing a report pursuant to section 317. If a registration or report is filed late, the commission shall send a notice of the finding of violation and preliminary penalty. The notice must provide the lobbyist with an opportunity to request a waiver of the preliminary penalty. If a lobbyist files a report required pursuant to section 317 within 24 hours after the deadline, the amount of the preliminary penalty is \$50. The commission may waive the fine or penalty in whole or in part if the commission determines the failure to register or report was due to mitigating circumstances or the fine or penalty is disproportionate to the level of experience of the lobbyist or the harm suffered by the public from the late registration or report. For purposes of this subsection, "mitigating circumstances" means:

A. A valid emergency determined by the commission, in the interest of the sound administration of justice, to warrant the waiver of the fine or penalty in whole or in part; [2011, c. 179, §7 (NEW) .]

B. An error by the commission; or [2011, c. 179, §7 (NEW) .]

C. Circumstances determined by the commission to warrant the waiver of the fine or penalty in whole or in part, based upon relevant evidence presented that a bona fide effort was made to file the report in accordance with this chapter, including, but not limited to, unexplained delays in Internet service. [2011, c. 179, §7 (NEW) .]

[ 2011, c. 179, §7 (RPR) .]

**1-A. Notice of suspension.** Any person who fails to file a report or pay a fee as required by this chapter may be suspended from further lobbying by written notice of the commission until such failure is corrected.

[ 1993, c. 446, Pt. B, §12 (AMD) .]

#### **2. Class E crime.**

[ 1979, c. 632, §3 (RP) .]

**3. Exemption.** Notwithstanding section 317, subsection 1, a registered lobbyist is exempt from the penalty imposed under this section if, while the Legislature is convened in special session, the lobbyist failed to file a report with the commission pursuant to section 317 if no lobbying has been performed during that special session.

[ 1993, c. 446, Pt. B, §13 (AMD) .]

#### SECTION HISTORY

1975, c. 576, (NEW). 1975, c. 621, §2 (RP). 1975, c. 724, (REEN).  
1977, c. 696, §17 (AMD). 1979, c. 632, §3 (RPR). 1989, c. 114, (AMD).  
1991, c. 465, §2 (AMD). 1993, c. 446, §§A15,B11-13 (AMD). 1993, c. 691,  
§22 (AMD). 2011, c. 179, §7 (AMD).

### §319-A. TESTIMONY BEFORE LEGISLATURE; LOBBYIST

**1. Disclosure of compensation.** A lobbyist or lobbyist associate who testifies before a joint select or joint standing committee of the Legislature shall disclose to the committee as part of the testimony the name of the person or organization that the lobbyist or lobbyist associate is representing. A lobbyist or lobbyist associate shall disclose to the committee orally or in written form the name of any person who is being compensated by the lobbyist or lobbyist associate or by the person or organization that the lobbyist or lobbyist associate is representing to testify before that committee.

[ 2005, c. 562, §1 (NEW) .]

**2. Report of violation.** A member of the Legislature may file a complaint with the commission alleging a violation of this section in accordance with the Joint Rules of the Legislature. The commission shall notify all interested parties and shall investigate any apparent violations of this section.

[ 2005, c. 562, §1 (NEW) .]

**3. Penalty.** If a lobbyist or lobbyist associate fails to disclose information required in subsection 1, the commission may:

A. Suspend the lobbyist or lobbyist associate from further lobbying by written notice of the commission; and [2005, c. 562, §1 (NEW).]

B. Assess a penalty of up to \$5,000 against the lobbyist or lobbyist associate. [2005, c. 562, §1 (NEW) .]

[ 2005, c. 562, §1 (NEW) .]

#### SECTION HISTORY

2005, c. 562, §1 (NEW).

### §320. DISPOSITION OF FEES

Fees collected pursuant to this chapter must go in equal portions to the General Fund and to the commission. [1995, c. 1, §8 (AMD).]

The commission shall, no later than November 15th of the year prior to any proposed change, establish the amount of the registration fee required to be paid pursuant to section 313 for the subsequent year.

[1993, c. 691, §23 (RPR).]

#### SECTION HISTORY

1975, c. 576, (NEW). 1975, c. 621, §2 (RP). 1975, c. 724, (REEN).  
 1981, c. 82, §2 (AMD). 1993, c. 410, §M1 (AMD). 1993, c. 446, §§A16,B14  
 (AMD). 1993, c. 691, §23 (RPR). IB 1995, c. 1, §8 (AMD).

## §321. POWERS AND DUTIES OF THE COMMISSION

In order to carry out the purposes of this chapter, the commission shall have the following powers and duties. [1993, c. 446, Pt. B, §15 (AMD).]

**1. Furnishing of forms.** The commission shall furnish forms to persons required to register or file reports.

[ 1993, c. 446, Pt. B, §15 (AMD) .]

**2. Availability of copying facilities.** The commission shall make copying facilities available to the public during regular office hours and, notwithstanding any other provisions of law fixing the cost of such services, shall charge the actual cost of such services.

[ 1993, c. 446, Pt. B, §15 (AMD) .]

**3. Filing of voluntary information.** The commission may accept and file any information voluntarily supplied that exceeds the requirements of this chapter.

[ 1993, c. 446, Pt. B, §15 (AMD) .]

**4. Preservation of registrations and reports.** The commission shall preserve all registrations and reports filed pursuant to this chapter for 4 years from date of receipt and may dispose of same.

[ 1993, c. 446, Pt. B, §15 (AMD) .]

**5. Acceptance or rejection of forms.** The commission may prescribe forms for all documents required or permitted to be filed with the commission and may refuse to accept documents not filed on those forms.

[ 1993, c. 691, §24 (AMD) .]

**6. Refusal of filing.** The commission may refuse to accept any document that is not legible or that can not be clearly reproduced photographically.

[ 1993, c. 446, Pt. B, §15 (AMD) .]

**7. Review reports for completeness.** The commission may reject reports that are incomplete.

[ 1993, c. 691, §25 (AMD) .]

**8. Investigations.** The commission may undertake investigations into the failure to file a registration or to determine the accuracy and completeness of the registration and reporting of lobbyists and their employers if the members of the commission have found cause to believe that a violation may have occurred based on a properly filed complaint or other information received by the commission.

[ 2007, c. 630, §16 (NEW) .]

### SECTION HISTORY

1975, c. 576, (NEW). 1975, c. 621, §2 (RP). 1975, c. 724, (REEN).  
 1989, c. 732, §2 (AMD). RR 1993, c. 1, §2 (COR). 1993, c. 446,  
 §§A17,B15 (AMD). 1993, c. 691, §§24,25 (AMD). 2007, c. 630, §16 (AMD).

## §322. ENFORCEMENT

**1. Filing of a complaint.** Any person may file a complaint with the commission specifying any alleged violation of this chapter. The commission staff shall notify the party against whom the complaint has been filed and then may undertake the investigation of the alleged violation if directed by members of the commission.

[ 2007, c. 630, §17 (AMD) .]

**2. Attorney General.** The Attorney General may enforce the provisions of this chapter upon request by the commission.

[ 1993, c. 691, §26 (RPR) .]

**3. Use of subpoena.** In the conduct of an investigation under section 321, subsection 8, the commission may subpoena witnesses and take evidence under oath. The commission may also subpoena records when a lobbyist, employer or other person refuses to provide relevant records requested by the commission in the course of investigating a violation of the registration, reporting or other requirements in this chapter. All subpoenas must be approved by the members of the commission and signed by the chair or the chair's designee. Any record or information obtained by the commission in the course of an investigation that is covered by a privilege against discovery or use as evidence is not a public record unless the privilege is waived.

[ 2007, c. 630, §17 (NEW) .]

### SECTION HISTORY

1975, c. 576, (NEW). 1975, c. 621, §2 (RP). 1975, c. 724, (REEN).  
1993, c. 446, §B16 (AMD). 1993, c. 446, §A18 (RPR). 1993, c. 691, §26  
(RPR). 2007, c. 630, §17 (AMD).

## §323. PENALTIES

*(REPEALED)*

### SECTION HISTORY

1975, c. 576, (NEW). 1975, c. 621, §2 (RP).

## §324. ENFORCEMENT

*(REPEALED)*

### SECTION HISTORY

1975, c. 576, (NEW). 1975, c. 621, §2 (RP).

## §325. POWERS AND DUTIES OF THE SECRETARY OF STATE

*(REPEALED)*

### SECTION HISTORY

1975, c. 576, (NEW). 1975, c. 621, §2 (RP).



## §326. CONSTRUCTION

Nothing in this chapter shall be construed to authorize the giving or receiving of a pecuniary benefit where otherwise prohibited by law. [1979, c. 632, §4 (NEW).]

### SECTION HISTORY

1979, c. 632, §4 (NEW).

## §327. NAME TAG REQUIREMENT

A person who is required to register as a lobbyist or a lobbyist associate in accordance with this chapter shall wear a clearly visible name tag whenever the lobbyist or lobbyist associate is engaged in the act of lobbying. The name tag must clearly display the lobbyist's name and must include either the name of the firm the lobbyist works for, the name of the lobbyist's employer, the organization the lobbyist represents or the term "lobbyist." [2009, c. 137, §1 (NEW).]

### SECTION HISTORY

2009, c. 137, §1 (NEW).

## Chapter 17: REPRESENTATIVES OF THE PRESS

### §341. RIGHTS AND PRIVILEGES; INTEREST IN PRIVATE CLAIMS PROHIBITED

Representatives of the press, who shall be actually engaged in sending daily reports of the doings of the Legislature to daily newspapers, shall have the privilege of the floor of the Senate and House of Representatives, and shall be subject to such rules as may from time to time be adopted by either branch of the Legislature. No such representative shall be interested in any private claim or measure pending before the Legislature, nor shall any such representative, while acting as correspondent for any daily newspaper, and as such correspondent having the privileges mentioned in this section, become interested in the prosecution of any such claim or measure.

### §342. FACILITIES

There shall be maintained and reserved during each legislative session for the use of such representatives of the press as have the privilege of the floor of the Senate and the House of Representatives under section 341, such facilities as may meet their requirements with reasonable convenience and adequacy.

If reasonably consistent with other essential uses of State House office space, these facilities shall continue to be assigned for press use while the Legislature is not in session, but in any case, reasonably adequate facilities shall also be made available to the press at all other times. [1989, c. 410, §6 (AMD).]

All facilities so provided must be properly maintained by the Bureau of General Services. [2011, c. 691, Pt. B, §1 (AMD).]

#### SECTION HISTORY

1979, c. 541, §A10 (AMD). 1989, c. 410, §6 (AMD). 2011, c. 691, Pt. B, §1 (AMD).

## Chapter 19: LEGISLATIVE ETHICS

### Subchapter 1: STATEMENT OF PURPOSE

#### **§371. STATEMENT OF PURPOSE**

*(REPEALED)*

SECTION HISTORY

1971, c. 146, (NEW). 1975, c. 621, §3 (RP).

### Subchapter 2: COMMITTEE ON LEGISLATIVE ETHICS

#### **§380. DEFINITIONS**

*(REPEALED)*

SECTION HISTORY

1973, c. 773, §1 (NEW). 1975, c. 621, §3 (RP).

#### **§381. COMMITTEE ON LEGISLATIVE ETHICS**

*(REPEALED)*

SECTION HISTORY

1971, c. 146, (NEW). 1971, c. 602, §1 (AMD). 1973, c. 773, §2 (AMD).  
1975, c. 621, §3 (RP).

#### **§381-A. AUTHORITY; PROCEDURE**

*(REPEALED)*

SECTION HISTORY

1973, c. 773, §3 (NEW). 1975, c. 621, §3 (RP).

#### **§382. CONFLICT OF INTERST**

*(REPEALED)*

SECTION HISTORY

1971, c. 602, §2 (NEW). 1973, c. 773, §4 (RPR). 1975, c. 621, §3 (RP).

#### **§383. ACTIONS PRECLUDED**

*(REPEALED)*

SECTION HISTORY

1971, c. 602, §2 (NEW). 1973, c. 773, §5 (RPR). 1975, c. 621, §3 (RP).

#### **§384. PENALTY FOR FALSE ACCUSATIONS**

*(REPEALED)*

SECTION HISTORY

1971, c. 602, §2 (NEW). 1975, c. 621, §3 (RP).

**§385. MEMBERSHIPS ON BOARDS, AUTHORITIES OR COMMISSIONS***(REPEALED)*

## SECTION HISTORY

1971, c. 602, §2 (NEW). 1975, c. 621, §3 (RP).

**Subchapter 3: DISCLOSURE OF SOURCES OF INCOME BY LEGISLATORS****§391. STATEMENT OF SOURCES INCOME***(REPEALED)*

## SECTION HISTORY

1973, c. 773, §6 (NEW). 1975, c. 621, §3 (RP).

**§392. FORM; CONTENT***(REPEALED)*

## SECTION HISTORY

1973, c. 773, §6 (NEW). 1975, c. 621, §3 (RP).

**§393. UPDATING STATEMENT***(REPEALED)*

## SECTION HISTORY

1973, c. 773, §6 (NEW). 1975, c. 621, §3 (RP).

**§394. FALSE STATEMENT; FAILURE TO FILE***(REPEALED)*

## SECTION HISTORY

1973, c. 773, §6 (NEW). 1975, c. 621, §3 (RP).

## Chapter 21: LEGISLATIVE INVESTIGATING COMMITTEES

### Subchapter 1: GENERAL PROVISIONS

#### §401. SHORT TITLE

This Act may be called "Rules for Legislative Investigations." [1975, c. 593, §3 (NEW).]

##### SECTION HISTORY

1975, c. 593, §3 (NEW).

#### §402. DEFINITIONS

As used in this chapter, unless the context otherwise indicates, the following words shall have the following meanings. [1975, c. 593, §3 (NEW).]

**1. Chairman.** The "chairman" is the presiding officer of the investigating committee. He may be the permanent chairman or another member designated as temporary chairman in the absence of the chairman.

[ 1975, c. 593, §3 (NEW) . ]

**2. Executive session.** An "executive session" is a session at which only members of the investigating committee, staff of the committee, counsel to the committee, the witness and his counsel shall be present.

[ 1975, c. 593, §3 (NEW) . ]

**3. Interested party.** An "interested party" is any person who learns that he has been specifically identified in testimony taken before an investigating committee and who reasonably believes that he has been adversely affected by such testimony.

[ 1975, c. 593, §3 (NEW) . ]

**4. Investigating committee.** An "investigating committee" is any committee of the Legislature which has been granted by the Legislature the power to administer oaths, issue subpoenas and take depositions, as authorized by section 165, subsection 7. "Investigating committee" shall include the Legislative Council when it exercises the authority granted under section 162, subsection 4, but shall not include the Commission on Governmental Ethics and Election Practices when it exercises the authority granted under Title 1, chapter 25.

[ 1977, c. 78, §2 (AMD) . ]

**5. Investigating committee action.** An "investigating committee action" is any decision arrived at formally by an investigating committee.

[ 1975, c. 593, §3 (NEW) . ]

**6. Members.** The "members" of an investigating committee are the legislators appointed by the Legislature to serve on the committee.

[ 1975, c. 593, §3 (NEW) . ]

**7. Quorum.** A "quorum" is a majority of the members of a legislative investigating committee.

[ 1975, c. 593, §3 (NEW) . ]

**8. Testimony.** "Testimony" is any form of evidence received by an investigating committee.

[ 1975, c. 593, §3 (NEW) .]

**9. Witness.** A "witness" is any person who testifies before an investigating committee or who gives a deposition. "Witness" shall include an interested party who requests permission to testify.

[ 1975, c. 593, §3 (NEW) .]

#### SECTION HISTORY

1975, c. 593, §3 (NEW). 1977, c. 78, §2 (AMD).

## Subchapter 2: LEGISLATIVE INVESTIGATING COMMITTEES

### §411. CREATION

Whenever the Legislature delegates to a committee the power to administer oaths, issue subpoenas and take depositions in connection with any study or investigation, such committee shall automatically become an investigating committee for the purpose of such study or investigation and shall be subject to the provisions of this chapter, whether or not such power is utilized by the committee in the course of such study or investigation. [1975, c. 593, §3 (NEW).]

#### SECTION HISTORY

1975, c. 593, §3 (NEW).

### §412. SCOPE OF STUDY OR INVESTIGATION

The authorization creating an investigating committee shall clearly state, and thereby limit, the subject matter and scope of the study or investigation. No investigating committee shall exceed the limits set forth in such authorization. [1975, c. 593, §3 (NEW).]

#### SECTION HISTORY

1975, c. 593, §3 (NEW).

### §413. NUMBER OF MEMBERS

No investigating committee shall consist of fewer than 3 members. [1975, c. 593, §3 (NEW) .]

#### SECTION HISTORY

1975, c. 593, §3 (NEW).

### §414. OVERSIGHT OF EXPENDITURES

The Legislative Council shall provide oversight of expenditures for legislative investigating committees in the same manner as it provides oversight of joint select committees pursuant to chapter 7. [1985, c. 377, §2 (NEW).]

#### SECTION HISTORY

1985, c. 377, §2 (NEW).

## Subchapter 3: RULES OF PROCEDURE FOR LEGISLATIVE INVESTIGATING COMMITTEES

## **§421. INVESTIGATING COMMITTEE ACTION**

Any investigating committee action shall require the affirmative votes of a majority of the committee members. [1975, c. 593, §3 (NEW).]

### **SECTION HISTORY**

1975, c. 593, §3 (NEW).

## **§422. ORDER OF PROCEDURE**

The decision as to the order of procedure in making a study or an investigation shall be an investigating committee action. [1975, c. 593, §3 (NEW).]

### **SECTION HISTORY**

1975, c. 593, §3 (NEW).

## **§423. ISSUANCE OF A SUBPOENA**

The decision to issue a subpoena shall be an investigating committee action. [1975, c. 593, §3 (NEW).]

### **SECTION HISTORY**

1975, c. 593, §3 (NEW).

## **§424. NOTICE TO WITNESSES**

A reasonable time before they are to testify, all prospective witnesses shall be notified of the subject matter of the investigation and shall be provided with a copy of this chapter. When a subpoena is served, the information required by this section shall be presented at the time of service. [1975, c. 593, §3 (NEW).]

### **SECTION HISTORY**

1975, c. 593, §3 (NEW).

## **§425. NOTICE TO MEMBERS**

Notice of the date and time of any meeting of the committee and of any hearing to be held by the committee shall be given to all members of the investigating committee at least 3 days in advance. [1975, c. 593, §3 (NEW).]

### **SECTION HISTORY**

1975, c. 593, §3 (NEW).

## **§426. OATHS**

All testimony of subpoenaed witnesses shall be under oath. A voluntary witness may be required to testify under oath by legislative committee action. Oaths shall be administered by the chairman. [1975, c. 593, §3 (NEW).]

### **SECTION HISTORY**

1975, c. 593, §3 (NEW).

## §427. TESTIMONY

Taking of testimony must be by the investigating committee's counsel, or other staff personnel or the members of the committee. A quorum must be present. Unless otherwise decided by investigating committee action, all testimony must be taken in open session. However, if any witness so requests, that witness's testimony must be taken in executive session, unless otherwise decided by investigating committee action. [2009, c. 2, §1 (COR).]

### SECTION HISTORY

1975, c. 593, §3 (NEW). RR 2009, c. 2, §1 (COR).

## §428. RECORDS

A complete record shall be kept of all investigating committee action, including a transcript of all testimony taken. [1975, c. 593, §3 (NEW).]

### SECTION HISTORY

1975, c. 593, §3 (NEW).

## §429. RELEASE OF TESTIMONY

**1. Release.** The decision to release testimony and the decision as to the form and manner in which testimony shall be released shall be investigating committee action. However, no testimony shall be released without first affording the witness who gave such testimony, or his counsel, an opportunity to object to the proposed release.

A. The witness or his counsel may, by such objection, require that testimony given in open session, if it is released at all, be released in the form of a full, consecutive transcript. [1975, c. 593, §3 (NEW).]

B. The witness or his counsel may, by such objection, require that testimony given in executive session not be released in any form or manner whatsoever. [1975, c. 593, §3 (NEW).]

[ 1975, c. 593, §3 (NEW) .]

**2. Transcript.** The witness or his counsel, upon payment of the cost of preparation, shall be given a transcript of any testimony taken. However, the witness or his counsel shall not be entitled to obtain a transcript of the executive session testimony of other witnesses. The release of a transcript under this subsection is not the release of testimony within the meaning of subsection 1.

[ 1975, c. 593, §3 (NEW) .]

### SECTION HISTORY

1975, c. 593, §3 (NEW).

## §430. REQUEST FOR COURT TO COMPEL OBEDIENCE

The decision to apply to the Superior Court to compel obedience to a subpoena issued by the committee shall be by investigating committee action. [1975, c. 593, §3 (NEW).]

### SECTION HISTORY

1975, c. 593, §3 (NEW).

## Subchapter 4: RULES GOVERNING WITNESSES



## **§451. COUNSEL**

The witness may have counsel present to advise him at all times. The witness or his counsel may, during the time the witness is giving testimony, object to any investigating committee action detrimental to the witness' interests and is entitled to have a ruling by the chairman on any such objection. [1975, c. 593, §3 (NEW).]

### **SECTION HISTORY**

1975, c. 593, §3 (NEW).

## **§452. QUESTIONING OF ADVERSE WITNESSES**

The witness or his counsel may question adverse witnesses whose testimony is being taken in open session. However, the chairman of the investigating committee may reasonably limit the right to so question. The chairman's ruling is final, unless otherwise decided by investigating committee action. [1975, c. 593, §3 (NEW).]

### **SECTION HISTORY**

1975, c. 593, §3 (NEW).

## **§453. PERTINENCY OF REQUESTED TESTIMONY**

The witness or his counsel may challenge any request for his testimony as not pertinent to the subject matter and scope of the investigation, in which case the relation believed to exist between the request and the subject matter and scope of the investigation shall be explained. [1975, c. 593, §3 (NEW).]

### **SECTION HISTORY**

1975, c. 593, §3 (NEW).

## **§454. WHO CAN COMPEL TESTIMONY**

The committee chairman may direct compliance with any request for testimony to which objection has been made. However, the chairman's direction may be overruled by investigating committee action. [1975, c. 593, §3 (NEW).]

### **SECTION HISTORY**

1975, c. 593, §3 (NEW).

## **§455. TELEVISION, FILMS, RADIO**

Any decision to televise, film or broadcast testimony shall be investigating committee action. If the witness or his counsel objects to a decision to televise, film or broadcast his testimony, his testimony shall not be televised, filmed or broadcast. [1975, c. 593, §3 (NEW).]

### **SECTION HISTORY**

1975, c. 593, §3 (NEW).

## **§456. STATEMENTS AND FORM OF ANSWERS**

The witness or his counsel may insert in the record sworn, written statements of reasonable length relevant to the subject matter and scope of the investigation. In giving testimony, the witness may explain his answers briefly. [1975, c. 593, §3 (NEW).]

### **SECTION HISTORY**

1975, c. 593, §3 (NEW).

## §457. PRIVILEGES

The witness shall be given the benefit of any privilege which he could have claimed in court as a party to a civil action, provided that the committee chairman may direct compliance with any request for testimony to which claim of privilege has been made. However, the chairman's direction may be overruled by investigating committee action. [1975, c. 593, §3 (NEW).]

### SECTION HISTORY

1975, c. 593, §3 (NEW).

## §458. RIGHTS OF INTERESTED PARTIES

Any interested party may request an opportunity to appear before the investigating committee. The decision on this request shall be investigating committee action. If such request is granted, the interested party shall appear before the committee as a witness. [1975, c. 593, §3 (NEW).]

### SECTION HISTORY

1975, c. 593, §3 (NEW).

## Subchapter 5: SANCTIONS FOR ENFORCEMENT OF RULES

## §471. LEGISLATIVE RESPONSIBILITY

The Legislature has primary responsibility for insuring adherence to these rules. [1975, c. 593, §3 (NEW).]

### SECTION HISTORY

1975, c. 593, §3 (NEW).

## §472. ERRONEOUSLY COMPELLED TESTIMONY

Testimony compelled to be given over a proper claim of privilege, or testimony released in violation of section 429, or any evidence obtained as a result of such improper procedure is not admissible in any subsequent criminal proceeding. [1975, c. 593, §3 (NEW).]

### SECTION HISTORY

1975, c. 593, §3 (NEW).

## §473. CONTEMPT

No witness shall be punished for contempt of an investigating committee unless the court finds: [1975, c. 593, §3 (NEW).]

**1. Conduct.** That the conduct of the witness amounted to contempt;

[ 1975, c. 593, §3 (NEW) .]

**2. Certain requirements.** That the requirements of sections 424, 430, 453 and 454 have been complied with; and

[ 1975, c. 593, §3 (NEW) .]

**3. Citations.** That in the case of:

A. A citation for failure to comply with a subpoena, the requirements of section 423 have been complied with; [1975, c. 593, §3 (NEW).]

B. A citation for failure to testify in response to a request for his testimony challenged as not pertinent to the subject matter and scope of the investigation, the requirements of sections 412 and 453 have been complied with and the request was pertinent as explained; [1975, c. 593, §3 (NEW).]

C. A citation for failure to testify in response to a request for his testimony on grounds of privilege, the requirements of section 457 have been complied with. [1975, c. 593, §3 (NEW).]

[ 1975, c. 593, §3 (NEW) .]

#### SECTION HISTORY

1975, c. 593, §3 (NEW).

### **§474. SAVING CLAUSE**

A decision by a witness to make use of any protection or remedy afforded by any provision of these rules does not constitute a waiver by the witness of the right to make use of any other protection or remedy. [2013, c. 424, Pt. A, §1 (AMD).]

#### SECTION HISTORY

1975, c. 593, §3 (NEW). 2013, c. 424, Pt. A, §1 (AMD).

## Chapter 23: JUSTIFICATION OF STATE GOVERNMENT PROGRAMS

### §501. SHORT TITLE

*(REPEALED)*

#### SECTION HISTORY

1977, c. 554, §1 (NEW). 1989, c. 483, §A3 (RP).

### §502. PURPOSE

*(REPEALED)*

#### SECTION HISTORY

1977, c. 554, §1 (NEW). 1989, c. 483, §A3 (RP).

### §503. DEFINITIONS

*(REPEALED)*

#### SECTION HISTORY

1977, c. 554, §1 (NEW). 1989, c. 483, §A3 (RP).

### §504. JUSTIFICATION REPORTS

*(REPEALED)*

#### SECTION HISTORY

1977, c. 554, §1 (NEW). 1979, c. 654, §1 (AMD). 1985, c. 737, §B3 (AMD). 1989, c. 483, §A3 (RP).

### §505. ANALYSIS AND RECOMMENDATIONS BY THE JOINT STANDING COMMITTEE ON PERFORMANCE AUDIT

*(REPEALED)*

#### SECTION HISTORY

1977, c. 554, §1 (NEW). 1977, c. 683, §1 (RPR). 1979, c. 338, §1 (AMD). 1979, c. 654, §2 (AMD). 1979, c. 663, §4 (AMD). 1985, c. 501, §B13 (AMD). 1987, c. 7, §1 (AMD). 1987, c. 395, §A1 (AMD). 1989, c. 483, §A3 (RP).

### §506. TERMINATION OF INDEPENDENT AGENCIES

*(REPEALED)*

#### SECTION HISTORY

1977, c. 554, §1 (NEW). 1989, c. 483, §A3 (RP).

### §507. JUSTIFICATION AND TERMINATION DATES

*(REPEALED)*

#### SECTION HISTORY

1977, c. 554, §1 (NEW). 1977, c. 683, §2 (RPR). 1979, c. 338, §2 (AMD). 1979, c. 654, §3 (AMD). 1979, c. 731, §19 (AMD). 1979, c. 732, §§4,31 (AMD). 1981, c. 168, §2 (AMD). 1981, c. 470, §A3 (AMD). 1981, c. 493, §2 (AMD). 1981, c. 698, §3 (AMD). 1983, c. 553, §46 (AMD). 1983, c. 579, §2 (AMD). 1983, c. 819, §§A1-A4 (AMD). 1985, c. 309, §1 (AMD). 1985, c. 481, §A2 (AMD). 1985, c. 695, §3 (AMD). 1985, c. 763, §§A2-7 (AMD). 1985, c. 764, §1 (AMD). 1985, c. 779, §5 (AMD). 1985, c. 785, §A3 (AMD). 1985, c. 785, §§B5,6 (AMD). 1987, c. 395, §§A2-A8 (AMD). 1987, c. 440, §1 (AMD). 1987, c. 658, §§1,2 (AMD). 1987, c. 735, §§1,2 (AMD). 1987, c. 769, §§A3,A4 (AMD). 1987, c. 840, §1 (AMD). 1987, c. 887, §1 (AMD). 1989, c. 49, §1 (AMD). 1989, c. 443, §§3,4 (AMD). 1989, c. 483, §A3 (RP). 1989, c. 585, §A3 (AMD). 1989, c. 588, §A1 (AMD). 1989, c. 857, §§1-5 (AMD).

## **§507-A. SPECIAL SUNSET REVIEWS**

*(REPEALED)*

### SECTION HISTORY

1979, c. 338, §3 (NEW). 1983, c. 819, §A5 (AMD). 1989, c. 483, §A3 (RP).

## **§507-B. CONTINUATION OF REVIEWED AGENCIES**

*(REPEALED)*

### SECTION HISTORY

1979, c. 672, §A1 (NEW). 1981, c. 456, §A2 (AMD). 1981, c. 703, §A1 (AMD). 1983, c. 176, §A1 (AMD). 1983, c. 819, §A6 (AMD). 1985, c. 309, §2 (AMD). 1985, c. 441, §1 (AMD). 1985, c. 481, §A3 (AMD). 1985, c. 737, §§A9-11 (AMD). 1985, c. 763, §A8 (AMD). 1987, c. 68, §1 (AMD). 1987, c. 395, §A9 (AMD). 1987, c. 534, §§A2,A3,A19 (AMD). 1987, c. 735, §3 (AMD). 1987, c. 769, §§A5,A6 (AMD). 1989, c. 49, §2 (AMD). 1989, c. 483, §A3 (RP). 1989, c. 502, §§A6,A7 (AMD). 1989, c. 857, §§6-8 (AMD).

## **§508. FUTURE OR REORGANIZED DEPARTMENTS AND INDEPENDENT AGENCIES**

*(REPEALED)*

### SECTION HISTORY

1977, c. 554, §1 (NEW). 1989, c. 483, §A3 (RP).

## **§509. LEGISLATIVE COUNCIL**

*(REPEALED)*

### SECTION HISTORY

1977, c. 554, §1 (NEW). 1989, c. 483, §A3 (RP).

## **§510. LEGAL CLAIMS**

*(REPEALED)*

### SECTION HISTORY

1977, c. 554, §1 (NEW). 1989, c. 483, §A3 (RP).

**§511. REVIEW*****(REPEALED)***

## SECTION HISTORY

1977, c. 554, §1 (NEW). 1989, c. 483, §A3 (RP).

## Chapter 24: LEGISLATIVE FINANCIAL OVERSIGHT

### §521. COMMITTEE

The joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs is authorized to provide oversight of financial matters, excluding those items over which the Legislative Council has statutory authority. [1981, c. 702, Pt. S, (NEW).]

#### SECTION HISTORY

1981, c. 702, §S (NEW).

### §522. PURPOSE AND POWERS

The joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs shall oversee the transfer of funds in accordance with Title 5, section 1585, the transfer of funds in accordance with any other provision of law, block grant changes in accordance with Title 5, section 1670 and any other related fiscal matters. The committee shall also review all other financial orders that have been submitted to the Office of Fiscal and Program Review since the last meeting. The committee may meet monthly or as often as is determined necessary by the chairs. [1997, c. 24, Pt. DD, §1 (AMD).]

#### SECTION HISTORY

1981, c. 702, §S (NEW). 1993, c. 421, §1 (AMD). 1997, c. 24, §DD1 (AMD).

### §522-A. INLAND FISHERIES AND WILDLIFE BUDGET REVIEW

The joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife shall review the budget of the Department of Inland Fisheries and Wildlife and submit its recommendations in a written report to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs no later than 60 days after reference of the current services budget legislation and any supplemental budget legislation to the joint standing committee having jurisdiction over appropriations and financial affairs of the Legislature. [1989, c. 439, §§1,8 (NEW).]

#### SECTION HISTORY

1989, c. 439, §§1,8 (NEW).

### §522-B. WORKERS' COMPENSATION BOARD BUDGET REVIEW

The joint standing committee of the Legislature having jurisdiction over labor matters shall review the budget of the Workers' Compensation Board and submit its recommendations in a written report to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs not later than 60 days after reference of the current services budget legislation and any supplemental budget legislation to the joint standing committee having jurisdiction over appropriations and financial affairs. [1991, c. 885, Pt. D, §2 (AMD).]

#### SECTION HISTORY

1991, c. 528, §AA1 (NEW). 1991, c. 528, §RRR (AFF). 1991, c. 591, §AA1 (NEW). 1991, c. 885, §D2 (AMD).

## §522-C. MEETINGS OF THE JOINT STANDING COMMITTEE OF THE LEGISLATURE HAVING JURISDICTION OVER TRANSPORTATION MATTERS

The joint standing committee of the Legislature having jurisdiction over transportation matters shall oversee the transfer of funds in accordance with Title 23, section 1652. The committee may meet monthly or as often as is determined necessary by the chairs. [2011, c. 392, Pt. L, §1 (NEW).]

### SECTION HISTORY

2011, c. 392, Pt. L, §1 (NEW).

## §523. REPORTS OF AGENCIES TO THE LEGISLATURE

No later than 6 months prior to the date that bonds approved by the electorate become deauthorized pursuant to the Constitution of Maine, Article IX, Section 14, the department or agency of State Government which has use of the bond proceeds shall report out, to the joint standing committee of the Legislature having jurisdiction over the subject matter of the bonds, a resolve to approve the issue of the authorized but unissued bonds. In addition, this agency or department shall provide the following information: [1983, c. 737, §§ 1, 2 (NEW).]

**1. Total bond issue authorized.** The total amount of bonds and the date the bonds were approved by the electorate;

[ 1983, c. 737, §§ 1, 2 (NEW) .]

**2. Total bonds issued.** The total amount of bonds issued, if any, as of the reporting date;

[ 1983, c. 737, §§ 1, 2 (NEW) .]

**3. Use of bond proceeds.** The use of the proceeds of the issued bonds, if any;

[ 1983, c. 737, §§ 1, 2 (NEW) .]

**4. Planned use of unissued bonds.** The planned use, amount and expected date of issue of the authorized but unissued bonds;

[ 1983, c. 737, §§ 1, 2 (NEW) .]

**5. Effect of deauthorization.** The effects of deauthorization of the unissued bonds; and

[ 1983, c. 737, §§ 1, 2 (NEW) .]

**6. Any other significant information.** Any other information deemed significant by the reporting agency or department for the decision of the Legislature.

[ 1983, c. 737, §§ 1, 2 (NEW) .]

### SECTION HISTORY

1983, c. 737, §§1,2 (NEW).



**§524. REPORT OF THE COMMITTEE TO THE LEGISLATURE**

The joint standing committee of the Legislature having jurisdiction over the subject matter of the bonds shall study the report required in section 523. This committee shall recommend that the Legislature approve the issue of all or any portion of or disapprove the issue of the authorized but unissued bonds. [1983, c. 737, §§ 1, 2 (NEW).]

**SECTION HISTORY**

1983, c. 737, §§1,2 (NEW).

## Chapter 25: STATE DEBT

### §551. ANALYSIS OF PROPOSED BOND ISSUES

The Commissioner of Administrative and Financial Services, together with the Treasurer of State, shall advise the Legislature and the Governor in a timely manner and in written form as to the effect on the State's bonded debt of any bond issue or issues proposed. Specifically, the analysis provided must indicate the relationship of the issue or issues proposed to the limit on the aggregate level of outstanding state debt established by this chapter and to the future debt service requirements on the State. The analysis must be comprehensive in nature and include consideration of the outstanding debt, bonds authorized but unissued, and proposed issues enacted by the Legislature and awaiting ratification or rejection by the electors. [1991, c. 780, Pt. Y, §6 (AMD).]

#### SECTION HISTORY

1977, c. 367, (NEW). 1977, c. 564, §§11-B (AMD). 1985, c. 785, §A4 (AMD). 1991, c. 780, §Y6 (AMD).

### §552. BOND ISSUES TO INCLUDE STATEMENT OF ESTIMATED TOTAL DEBT SERVICE

Whenever a bond issue is passed by the Legislature and presented to the voters for ratification, the question presented to the voters shall be accompanied on the ballot by a statement prepared by the Treasurer of State estimating the total debt service, including interest, over the full life of each bond issue to be voted upon. The validity of the bonds and of the voters' ratification thereof shall not be affected by any errors in such estimate and, if the actual amount of the total debt service for such bond issue varies from such estimate, the ratification by the electors shall nevertheless be conclusive and the validity of the bond issue shall not be affected by reason of such variance. [1981, c. 629, (RPR).]

#### SECTION HISTORY

1981, c. 167, (NEW). 1981, c. 533, (AMD). 1981, c. 629, (RPR).

### §553. LAPSE OF UNUSED GENERAL FUND BOND ISSUES

All General Fund bond issues passed by the Legislature for presentation to the voters shall contain language which stipulates that bond proceeds which have not been expended 10 years after the date of the sale of the bonds shall lapse to General Fund debt service. [1983, c. 176, Pt. A, §2 (NEW).]

#### SECTION HISTORY

1983, c. 176, §A2 (NEW).

## Chapter 27: APPROVAL OF AMENDMENTS TO THE MAINE INDIAN CLAIMS SETTLEMENT ACT

### §601. APPROVAL OF LEGISLATION

When approval of legislation by an Indian tribe or Indian nation is required by the United States Code, Title 25, Section 1725(e), or other act of Congress, certification of that approval shall be made to the Secretary of State by the officer of the affected Indian tribe or Indian nation designated in section 602 or 603. The certification shall state the date and manner of approval of the legislation and shall be prima facie evidence of approval. The Secretary of State shall forthwith transmit certified copies of the certification of approval to the Secretary of the Senate and the Clerk of the House of Representatives. [1989, c. 148, §§1,4 (AMD).]

#### SECTION HISTORY

1983, c. 497, §1 (NEW). 1989, c. 148, §§1,4 (AMD).

### §602. DESIGNATION OF OFFICER

The governor and council of the Penobscot Nation, the Joint Tribal Council of the Passamaquoddy Tribe and the council of the Houlton Band of Maliseet Indians shall each designate, by name and title, the officer authorized to execute the certificate of approval of legislation required by section 601. The designation shall be in writing and filed with the Secretary of State no later than the first Wednesday in January in the First Regular Session of the Legislature, except that the designation for the Houlton Band of Maliseet Indians must be filed with the Secretary of State no later than 45 days after adjournment of the Second Regular Session of the 112th Legislature. The Secretary of State shall forthwith transmit certified copies of each designation to the Secretary of the Senate and the Clerk of the House of Representatives. The designation shall remain in effect until the governor and council of the Penobscot Nation, the Joint Tribal Council of the Passamaquoddy Tribe or the council of the Houlton Band of Maliseet Indians make a new designation. [1985, c. 672, §1, 4 (AMD).]

#### SECTION HISTORY

1983, c. 497, §1 (NEW). 1985, c. 672, §§1,4 (AMD).

### §603. DESIGNATION OF OFFICER; AROOSTOOK BAND OF MICMACS

The council of the Aroostook Band of Micmacs shall designate, by name and title, the officer authorized to execute the certificate of approval of legislation required by section 601. The designation shall be in writing and filed with the Secretary of State no later than the first Wednesday in January in the First Regular Session of the Legislature. The Secretary of State shall forthwith transmit certified copies of the designation to the Secretary of the Senate and the Clerk of the House of Representatives. The designation shall remain in effect until the council of the Aroostook Band of Micmacs makes a new designation. [1989, c. 148, §2,4 (NEW).]

#### SECTION HISTORY

1989, c. 148, §§2,4 (NEW).

## Chapter 29: LEGISLATIVE RETIREMENT

### Subchapter 1: GENERAL PROVISIONS

#### §701. DEFINITIONS

As used in this chapter, unless the context indicates otherwise, the following terms have the following meanings. [1985, c. 507, §1 (NEW).]

**1. Accumulated contributions.** "Accumulated contributions" means the sum of all the amounts credited to a member's individual account, together with regular interest on the account.

[ 1985, c. 507, §1 (NEW) .]

**2. Actuarial equivalent.** "Actuarial equivalent" means a benefit which is of equal value when computed at regular interest, based on the mortality and service tables adopted by the board of trustees.

[ 1985, c. 507, §1 (NEW) .]

**3. Average final compensation.** "Average final compensation" means the average annual rate of earnable compensation of a member during the 3 years of creditable service, not necessarily consecutive, in which the average annual rate of earnable compensation is highest or during the member's entire period of creditable service if the period is less than 3 years.

[ 1991, c. 580, §1 (AMD) .]

**4. Beneficiary.** "Beneficiary" means any person who receives or is designated to receive a benefit provided by this chapter.

[ 1985, c. 507, §1 (NEW) .]

**5. Board of trustees.** "Board of trustees" means the board provided for in section 731.

[ 1985, c. 507, §1 (NEW) .]

**6. Child or children.**

[ 1989, c. 133, §1 (RP) .]

**7. Consumer Price Index.**

[ 1989, c. 133, §1 (RP) .]

**8. Creditable service.** "Creditable service" means service rendered while a member of the former Maine Legislative Retirement System, the Legislative Retirement Program, the former Maine State Retirement System or the State and Teacher Retirement Program for which credit is allowed under section 802.

[ 2007, c. 491, §3 (AMD) .]

**9. Earnable compensation.** "Earnable compensation" means the actual compensation of a Legislator. Any money paid by the State under an annuity contract for the future benefit of a Legislator shall be considered part of the Legislator's earnable compensation. The earnable compensation of a member retired with a disability retirement allowance under section 853 shall be assumed, for the purposes of determining

benefits under this chapter, to be continued after his date of termination of service at the same rate as received immediately prior to that time, subject to the same percentage adjustments, if any, that may apply to the amount of retirement allowance of the beneficiary under section 858.

[ 1985, c. 507, §1 (NEW) . ]

**10. Father.**

[ 1989, c. 133, §1 (RP) . ]

**10-A. Internal Revenue Code.** "Internal Revenue Code" or "Code" means the United States Internal Revenue Code of 1986, as amended.

[ 2009, c. 474, §1 (NEW) . ]

**11. Legislator.** "Legislator" means a member of the Legislature who is actively serving as of December 3, 1986, or who is elected subsequent to December 2, 1986.

[ 1985, c. 507, §1 (NEW) . ]

**12. Member.** "Member" means a Legislator who is included in the membership of the Legislative Retirement Program, as provided in section 801.

[ 2007, c. 491, §4 (AMD) . ]

**13. Mother.**

[ 1989, c. 133, §1 (RP) . ]

**14. Parent.**

[ 1989, c. 133, §1 (RP) . ]

**15. Regular interest.** "Regular interest" means interest at the rate which the Board of Trustees of the Maine Public Employees Retirement System sets from time to time, in accordance with Title 5, section 17156.

[ 1989, c. 133, §2 (AMD); 2007, c. 58, §3 (REV) . ]

**16. Retirement.** "Retirement" means the termination of membership service with a retirement allowance granted under this chapter.

[ 1985, c. 507, §1 (NEW) . ]

**17. Spouse.**

[ 1989, c. 133, §3 (RP) . ]

**SECTION HISTORY**

1985, c. 507, §1 (NEW). 1989, c. 133, §§1-3 (AMD). 1991, c. 580, §1 (AMD). 2007, c. 58, §3 (REV). 2007, c. 491, §§3, 4 (AMD). 2009, c. 474, §1 (AMD).

## §702. NAME, ESTABLISHMENT AND PURPOSE

There is established the Legislative Retirement Program as a governmental qualified defined benefit plan pursuant to Sections 401(a) and 414(d) of the Internal Revenue Code and such other provisions of the Internal Revenue Code and United States Treasury regulations and other guidance as are applicable, which has the powers and privileges of a corporation. [2009, c. 474, §2 (AMD).]

The purpose of the Legislative Retirement Program is to provide retirement allowances and other benefits under this chapter for Legislators. [2007, c. 491, §5 (AMD).]

### SECTION HISTORY

1985, c. 507, §1 (NEW). 2007, c. 491, §5 (AMD). 2009, c. 474, §2 (AMD).

## §703. LEGAL PROCESS AND ASSIGNMENT

The right of a person to a retirement allowance, the retirement allowance itself, the refund of a person's accumulated contributions, any death benefit, any other right accrued or accruing to a person under this chapter and the money in the various funds created by this chapter are not subject to execution, garnishment, attachment or any other process and are unassignable except that: [1991, c. 746, §10 (AFF); 1991, c. 746, §1 (RPR).]

**1. Retirement allowance available for child support.** A member's retirement allowance is available to satisfy a child support obligation that is otherwise enforceable by execution, garnishment, attachment, assignment or other process;

[ 1991, c. 746, §1 (NEW); 1991, c. 746, §10 (AFF) .]

**2. Accumulated contributions available for child support.** A member's accumulated contributions that are refundable under sections 805-A and 805-B are available to satisfy a child support obligation that is otherwise enforceable by execution, garnishment, attachment, assignment or other process;

[ 2011, c. 606, §2 (AMD) .]

**3. Qualified domestic relations order.** The rights and benefits of a member or retiree under this chapter are subject to the rights of or assignment to an alternate payee, as defined in Title 5, section 17001, subsection 3-B, under a qualified domestic relations order in accordance with Title 5, section 17059; and

[ 2011, c. 606, §3 (AMD) .]

**4. Forfeiture and restitution.** The rights and benefits of a member or retiree under this chapter are subject to forfeiture or assignment to the member's spouse, dependent or former spouse in accordance with the provisions of Title 5, section 17062.

[ 2011, c. 606, §4 (NEW) .]

### SECTION HISTORY

1985, c. 507, §1 (NEW). 1991, c. 746, §10 (AFF). 1991, c. 746, §1 (RPR). 2007, c. 137, §1 (AMD). 2011, c. 606, §§2-4 (AMD).

## §704. BENEFICIARIES UNDER DISABILITY

Any beneficiary who is entitled to make an election of benefits under subchapter V, but is not lawfully qualified to make that election, shall have that election made in his behalf by the person authorized to do so by Title 18-A, Article V. [1985, c. 507, §1 (NEW).]

### SECTION HISTORY

1985, c. 507, §1 (NEW).

## §705. INTERNAL REVENUE CODE COMPLIANCE

The Legislative Retirement Program established in this chapter is subject to the following requirements.  
[ 2009, c. 474, §3 (NEW). ]

**1. Vesting.** In compliance with the Code, Section 401(a)(7), a member is 100% vested in the member's contribution account at all times.

[ 2009, c. 474, §3 (NEW) . ]

**2. Use of forfeitures of benefits.** In compliance with the Code, Section 401(a)(8), any forfeitures of benefits by members or former members may not be used to pay benefit increases, but must be used to reduce unfunded liabilities.

[ 2009, c. 474, §3 (NEW) . ]

**3. Benefits.** In compliance with the Code, Section 401(a)(9), benefits must be paid in accordance with a good faith interpretation of the requirements of the Code, Section 401(a)(9) and the regulations in effect under that section as applicable to a governmental plan within the meaning of the Code, Section 414(d).

[ 2009, c. 474, §3 (NEW) . ]

**4. Application of annual compensation limits.** In compliance with the Code, Section 401(a)(17), applicable annual compensation limits must be applied for purposes of determining benefits or contributions due to the Maine Public Employees Retirement System.

[ 2009, c. 474, §3 (NEW) . ]

**5. Rollovers.** In compliance with the Code, Section 401(a)(31), a member may elect, at the time and in the manner prescribed by the board of trustees, to have any portion of an eligible rollover distribution paid directly to an eligible retirement plan specified by the member in a direct rollover.

[ 2009, c. 474, §3 (NEW) . ]

**6. Qualified military service.** Effective December 12, 1994, contributions, benefits and service credit with respect to qualified military service are governed by the Code, Section 414(u) and the federal Uniformed Services Employment and Reemployment Rights Act of 1994 and, effective January 1, 2007, the Code, Section 401(a)(37).

[ 2009, c. 474, §3 (NEW) . ]

**7. Additional requirements.** In compliance with the Code, Section 415, the member contributions paid to and retirement benefits paid from the Legislative Retirement Program must be limited to the extent necessary to conform to the requirements of the Code, Section 415 for a qualified pension plan.

[ 2009, c. 474, §3 (NEW) . ]

**8. Compliance with Section 503(b).** Effective July 1, 1989, the board of trustees may not engage in a transaction prohibited by the Code, Section 503(b).

[ 2009, c. 474, §3 (NEW) . ]

**9. Rules.** The board of trustees shall adopt rules necessary to maintain the qualified pension plan tax status of the Legislative Retirement Program under the Internal Revenue Code as required for governmental defined benefit plans defined in the Code, Section 414(d). Rules adopted under this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

[ 2009, c. 474, §3 (NEW) .]

#### SECTION HISTORY

2009, c. 474, §3 (NEW).

## Subchapter 2: ADMINISTRATION

### §731. BOARD OF TRUSTEES

The Board of Trustees of the Legislative Retirement Program consists of those persons who are members of the Board of Trustees of the Maine Public Employees Retirement System. The Board of Trustees of the Legislative Retirement Program is responsible for the proper operation and implementation of the Legislative Retirement Program under this chapter. [2007, c. 491, §6 (AMD).]

**1. Duties.** The board of trustees has the same duties with respect to the Legislative Retirement Program as with other programs of the Maine Public Employees Retirement System, including, but not limited to, those powers and duties enumerated in Title 5, chapter 421, subchapters 3, 4 and 5.

[ 2007, c. 491, §7 (AMD) .]

**2. Administration of Legislative Retirement Program.** The board of trustees shall administer the Legislative Retirement Program and may adopt and publish, in accordance with Title 5, chapter 375, subchapter 2, any rules necessary and proper to give effect to the intent, purposes and provisions of this chapter.

[ 2007, c. 491, §8 (AMD) .]

**3. Expenses.** The trustees are entitled to compensation as provided in Title 5, chapter 379 from the funds of the Maine Public Employees Retirement System.

[ 2007, c. 491, §9 (AMD) .]

**4. Oath.** Each trustee shall, within 30 days after that trustee's appointment, take an oath of office to faithfully discharge the duties of a trustee, in the form prescribed by the Constitution of Maine. This oath must be subscribed to by the trustee making it, certified by the officer before whom it is taken and immediately filed in the office of the Secretary of State.

[ 2001, c. 181, §1 (AMD) .]

**5. Quorum.** Each voting trustee is entitled to one vote on the board of trustees. Five trustees constitute a quorum for the transaction of any business. Five votes are necessary for any resolution or action by the board of trustees at any meeting of the board.

[ 1999, c. 790, Pt. D, §1 (AMD) .]

#### SECTION HISTORY

1985, c. 507, §1 (NEW). 1989, c. 133, §4 (AMD). RR 1997, c. 2, §5 (COR). 1999, c. 790, §D1 (AMD). 2001, c. 181, §1 (AMD). 2007, c. 58, §3 (REV). 2007, c. 491, §§6-9 (AMD).



## §732. EXECUTIVE DIRECTOR

The Executive Director of the Maine Public Employees Retirement System is the Executive Director of the Legislative Retirement Program. The executive director has the same powers and duties with respect to the Legislative Retirement Program as with other programs of the Maine Public Employees Retirement System, except as provided in this chapter. [2007, c. 491, §10 (AMD).]

### SECTION HISTORY

1985, c. 507, §1 (NEW). 2007, c. 58, §3 (REV). 2007, c. 491, §10 (AMD).

## §733. ACTUARY

The actuary of the other programs of the Maine Public Employees Retirement System is the Actuary of the Legislative Retirement Program. [2007, c. 491, §11 (AMD).]

### SECTION HISTORY

1985, c. 507, §1 (NEW). 2007, c. 58, §3 (REV). 2007, c. 491, §11 (AMD).

## §734. MEDICAL BOARD

A medical board of the other programs of the Maine Public Employees Retirement System established in Title 5, section 17106, subsection 1 is the medical board of the Legislative Retirement Program. The medical board shall arrange for and pass upon all medical examinations required under this chapter with respect to disability retirements and shall report in writing to the executive director its conclusions and recommendations upon all the matters referred to it. The board of trustees may designate other physicians to provide medical consultation on legislative disability cases. [2007, c. 491, §12 (AMD).]

### SECTION HISTORY

1985, c. 507, §1 (NEW). 1995, c. 643, §1 (AMD). 2007, c. 58, §3 (REV). 2007, c. 491, §12 (AMD).

## §735. ADMINISTRATIVE PROCEDURES

Appeal from the executive director's decision is the same as provided for other programs of the Maine Public Employees Retirement System in Title 5, section 17451. [2007, c. 491, §13 (AMD).]

### SECTION HISTORY

1985, c. 507, §1 (NEW). 1989, c. 133, §5 (AMD). 2007, c. 58, §3 (REV). 2007, c. 491, §13 (AMD).

## §736. LEGAL ADVISER

The Attorney General or an assistant designated by the Attorney General is the legal adviser of the Board of Trustees of the Legislative Retirement Program. [2007, c. 491, §14 (AMD).]

### SECTION HISTORY

1985, c. 507, §1 (NEW). 2007, c. 491, §14 (AMD).

## Subchapter 3: FINANCING

## §751. CONTROL OF FUNDS

The board of trustees is the trustee of the funds created by this chapter and shall administer those funds in the same manner as is provided for the administration of other program funds of the Maine Public Employees Retirement System in accordance with Title 5, chapter 421, subchapters 3 and 4. The board of trustees may establish separate funds or accounts within a fund, as necessary. [2007, c. 491, §15 (AMD).]

### SECTION HISTORY

1985, c. 507, §1 (NEW). 1987, c. 402, §A7 (AMD). 1989, c. 133, §6 (AMD). 2007, c. 58, §3 (REV). 2007, c. 491, §15 (AMD).

## §752. CUSTODIAN OF FUNDS

*(REPEALED)*

### SECTION HISTORY

1985, c. 507, §1 (NEW). 2007, c. 249, §1 (RP).

## §753. EXPENSES

All administrative operating expenses of the Legislative Retirement Program must be charged to the assets of the Legislative Retirement Program. [2009, c. 415, Pt. A, §1 (AMD).]

### SECTION HISTORY

1985, c. 507, §1 (NEW). 2007, c. 240, Pt. U, §1 (RPR). 2009, c. 415, Pt. A, §1 (AMD).

## §754. INVESTMENTS

The board of trustees may combine funds from the Legislative Retirement Program and the assets of other programs of the Maine Public Employees Retirement System for investment purposes. The assets and funds of other programs of the Maine Public Employees Retirement System and the assets and funds of the Legislative Retirement Program may not be combined for benefit payment purposes or for administrative expenses. [2007, c. 491, §16 (AMD).]

### SECTION HISTORY

1985, c. 507, §1 (NEW). 2007, c. 58, §3 (REV). 2007, c. 491, §16 (AMD).

## §755. LEGISLATIVE FINDINGS AND INTENT

**1. Findings.** The Legislature finds that the State owes a great debt to its retired Legislators for their years of faithful and productive service. Part of that debt is repaid by the benefits provided to Legislators through the Legislative Retirement Program.

[ 2007, c. 491, §17 (AMD) .]

**2. Intent.** It is the intent of the Legislature that there be appropriated and transferred annually to the Legislative Retirement Program the funds necessary to meet the program's long-term and short-term financial obligations based on the actuarial assumptions established by the board of trustees upon the advice of the actuary. The goal of the actuarial assumptions is to achieve a fully funded program. The program's unfunded liability must be funded by annual appropriations over the funding period of the program.

[ 2007, c. 491, §17 (AMD) .]

**3. Implementation.** It is the responsibility of the board of trustees to calculate the funds necessary to maintain the program on an actuarially sound basis, including the unfunded liability arising from payment of benefits for which contributions were not received and to transmit those calculations to the State Budget Officer as required by Title 5, sections 1661 to 1667. It is the responsibility of the Legislature to appropriate and transfer those funds annually.

[ 2007, c. 491, §17 (AMD) . ]

#### SECTION HISTORY

1985, c. 507, §1 (NEW). 2007, c. 491, §17 (AMD).

## Subchapter 4: MEMBERSHIP AND CONTRIBUTION

### §801. MEMBERSHIP

**1. Membership mandatory.** Every Legislator serving in the Legislature on or after December 3, 1986 is a member of the Legislative Retirement Program, except that any Legislator who was a member of the Maine State Retirement System on December 2, 1986 may choose to be a member of the State Employee and Teacher Retirement Program instead of becoming a member of the Legislative Retirement Program, and any Legislator who is a public school teacher or an employee of the Maine Community College System on leave of absence for the purpose of serving in the Legislature continues to be a member of the State Employee and Teacher Retirement Program and to have contributions deducted from the member's legislative earnable compensation as provided by Title 5, section 17701. A Legislator who terminates employment from a position requiring membership in the State Employee and Teacher Retirement Program no longer contributes to the State Employee and Teacher Retirement Program and, if qualified, is eligible to become a benefit recipient under Title 5, section 17804. Upon such termination, the Legislator becomes a member of the Legislative Retirement Program. Except as provided in section 802, subsection 4, paragraph A, creditable service granted under the State Employee and Teacher Retirement Program may not be transferred to the Legislative Retirement Program. A member ceases to be a member when the member withdraws the member's contributions, becomes a beneficiary as a result of the member's own retirement or dies.

[ 2007, c. 491, §18 (AMD) . ]

**1-A. Waiver provision.** Any Legislator may petition the presiding officer for a waiver from the membership provisions of subsection 1 if it can be demonstrated that membership in the Legislative Retirement Program will create or exacerbate a Legislator's federal income tax liability due to the ownership of another retirement plan. The Office of the Executive Director of the Legislative Council shall provide assistance as requested by the Legislator or presiding officer. The presiding officer shall respond to the Legislator's petition within 30 days and shall provide copies of the decision to the Executive Director of the Legislative Council and the Executive Director of the Maine Public Employees Retirement System. A granted waiver of membership constitutes a one-time irrevocable election with respect to all subsequent employment with the same employer when membership in the Legislative Retirement Program is not mandatory.

[ 2009, c. 474, §4 (AMD) . ]

**2. Reports from Executive Director of the Legislative Council.** The Executive Director of the Legislative Council shall submit to the board of trustees a statement showing the name, title, compensation, sex, date of birth and length of service of each member and any other information as the board of trustees may require at such times as the board of trustees may require.

[ 2007, c. 491, §18 (AMD) . ]

#### SECTION HISTORY

1985, c. 507, §1 (NEW). 1985, c. 737, §B4 (AMD). 1989, c. 133, §7 (AMD). 1989, c. 501, §O8 (AMD). 2001, c. 657, §1 (AMD). 2003, c. 20, §OO2 (AMD). 2003, c. 20, §OO4 (AFF). 2005, c. 516, §1 (AMD). 2007, c. 58, §3 (REV). 2007, c. 249, §2 (AMD). 2007, c. 491, §18 (AMD). 2009, c. 474, §4 (AMD).

## §802. CREDITABLE SERVICE

Creditable service for the purpose of determining benefits under this chapter shall be allowed as follows.  
[1985, c. 507, §1 (NEW).]

**1. Legislative service after December 2, 1986.** All legislative service of a member after December 2, 1986, for which contributions are made, shall be allowed as creditable service.

[ 1985, c. 507, §1 (NEW) .]

**2. Legislative service before December 3, 1986.** All service of a member as a Legislator before December 3, 1986 must be allowed as creditable service upon payment of contributions at that percentage rate required of members of the State Employee and Teacher Retirement Program during the period of time covered by the legislative service applied to the earnable compensation of the member, together with interest at a rate set by a rule of the board of trustees from the end of the calendar year in which the compensation was paid to the date payment of the contributions is made.

[ 2007, c. 491, §19 (AMD) .]

**3. Disability retirement.** The period following the termination of service for which a beneficiary receives disability retirement allowance payments under section 853 shall be allowed as membership service.

[ 1985, c. 507, §1 (NEW) .]

**4. State Employee and Teacher Retirement Program service.** Creditable service as a member of the State Employee and Teacher Retirement Program as a state employee must be allowed as creditable service of the Legislative Retirement Program as follows.

A. Any member who has not withdrawn the member's accumulated contributions with the State Employee and Teacher Retirement Program and is not a benefit recipient under Title 5, section 17804 may, upon becoming a Legislator, have the member's State Employee and Teacher Retirement Program contributions and membership service transferred to the member's account with the Legislative Retirement Program and all creditable service resulting from membership in the State Employee and Teacher Retirement Program is creditable service in the Legislative Retirement Program.

All funds in the State Employee and Teacher Retirement Program contributed by the State on account of the member's employment must be transferred to the Legislative Retirement Program and must be used to liquidate the liability incurred by reason of the member's previous employment. The State shall make contributions, from time to time, as may be necessary to provide the benefits under the Legislative Retirement Program for the member that have accrued to the member by reason of the member's previous employment and may accrue to the member by reason of membership in the State Employee and Teacher Retirement Program. [2007, c. 491, §20 (AMD).]

B. Any member who has withdrawn that member's accumulated contributions from the State Employee and Teacher Retirement Program may, subsequent to becoming a Legislator and prior to the date any retirement allowance becomes effective for the member, deposit in the fund by a single payment or by an increased rate of contribution an amount equal to the accumulated contributions withdrawn by the member, together with interest at a rate set by a rule of the board of trustees from the date of withdrawal to the date of repayment. If repayment is made in installments, interest continues to accrue on the outstanding balance. The member is entitled to all creditable service that the member acquired

during the member's previous membership. In the event any retirement allowance becomes effective before repayment is completed, the member is entitled to credit for that portion of the total of the previous creditable service which the total amount of payments actually made bears to the total amount, including interest at a rate set by a rule of the board of trustees from the date of withdrawal to the date the retirement allowance becomes effective. [2007, c. 491, §20 (AMD).]

C. A person may not receive benefits under both the Legislative Retirement Program and the State Employee and Teacher Retirement Program based upon the same period of service. [2007, c. 491, §20 (AMD).]

[ 2007, c. 491, §20 (AMD) .]

**5. Amount of service per year.** The board shall establish by rule the amount of creditable service to be granted for service rendered during a year, but in no case shall it allow more than one year of service for all service in one calendar year.

[ 1985, c. 507, §1 (NEW) .]

#### SECTION HISTORY

1985, c. 507, §1 (NEW). 2007, c. 58, §3 (REV). 2007, c. 249, §3 (AMD).  
2007, c. 491, §§19, 20 (AMD).

### §803. STATE CONTRIBUTION

**1. Payment.** For each member, the State shall pay annually into the fund an amount known as the employer contribution.

[ 1985, c. 507, §1 (NEW) .]

**2. Employer contribution.** Employer contribution must be fixed on the basis of the assets and liabilities of the Legislative Retirement Program as shown by actuarial valuation and is expressed as a percentage of the annual earnable compensation of each member.

A. The employer contribution rate represents the percentage of the member's compensation payable during periods of membership required to provide the difference between the total liabilities for retirement allowances and the amount of the assets in the fund. [2007, c. 491, §21 (AMD).]

B. The employer contribution rate is determined on actuarial bases adopted by the board of trustees. The rate is determined by the board of trustees after each valuation and continues in force until a new valuation is made. [2007, c. 491, §21 (AMD).]

[ 2007, c. 491, §21 (AMD) .]

**3. State contribution procedure.** The board of trustees shall submit budget estimates to the State Budget Officer in accordance with Title 5, section 1665.

On each payroll for Legislators, the State Controller shall cause a charge to be made of an amount or amounts in payment of the state costs of all charges related to the Legislative Retirement Program and which must be credited to the appropriate accounts of the fund. Percentage rates to be predetermined by the actuary and approved by the board of trustees must be applied to the total gross salaries of members appearing on those payrolls and the resultant charges must be periodically credited to the retirement fund.

[ 2007, c. 491, §21 (AMD) .]

**4. Minimum amount of employer contribution.** The aggregate payment by the State into the fund must be at least sufficient to provide the benefits payable out of the fund and the administrative operating expenses of the Legislative Retirement Program during the current year.

[ 2007, c. 491, §21 (AMD) .]

#### SECTION HISTORY

1985, c. 507, §1 (NEW). 2007, c. 240, Pt. U, §2 (AMD). 2007, c. 491, §21 (AMD).

### §804. MEMBERS' CONTRIBUTIONS

On and after July 1, 1993, each member shall contribute at a rate of 7.65% of earnable compensation. [1993, c. 410, Pt. L, §3 (AMD) .]

#### SECTION HISTORY

1985, c. 507, §1 (NEW). 1993, c. 410, §L3 (AMD).

### §805. RETURN OF ACCUMULATED CONTRIBUTIONS

*(REPEALED)*

#### SECTION HISTORY

1985, c. 507, §1 (NEW). 1993, c. 387, §A1 (AMD). 1997, c. 651, §1 (AMD). 2007, c. 137, §2 (RP).

### §805-A. REFUND OF ACCUMULATED CONTRIBUTIONS

**1. Conditions for refund.** If the service of any member has terminated, except by death or by retirement under this chapter, the member must be paid the amount of the member's accumulated contributions under the following conditions:

A. The member must have properly applied for a refund of accumulated contributions; [2007, c. 137, §3 (NEW) .]

B. Payment must be made after termination of service and not less than 22 days nor more than 60 days after receipt of the application and receipt of the last payroll upon which the name of the member appears; [2007, c. 137, §3 (NEW) .]

C. An application for refund is void if the member filing the application returns to membership in any retirement program administered by the Maine Public Employees Retirement System before issuance of the payment; and [2007, c. 491, §22 (AMD) .]

D. Only accumulated contributions made by the member or picked up by the employer may be refunded to that member under this subsection. [2007, c. 137, §3 (NEW) .]

[ 2007, c. 491, §22 (AMD) .]

#### SECTION HISTORY

2007, c. 58, §3 (REV). 2007, c. 137, §3 (NEW). 2007, c. 491, §22 (AMD).

## §805-B. INACTIVE ACCOUNTS

**1. Conditions for refund.** The retirement system may make an automatic refund of contributions to a member who has not properly applied for a refund as provided in section 805-A and who has terminated service, except by death or by retirement under this chapter, and who has not met the minimum creditable service requirement for eligibility to receive a service retirement benefit at the applicable age under the following conditions:

A. The member account in the retirement system has been inactive for 3 or more years; [ 2007, c. 137, §4 (NEW) . ]

B. Only accumulated contributions made by the member or picked up by the employer may be refunded to that member under this subsection; and [ 2007, c. 137, §4 (NEW) . ]

C. A member who receives an automatic refund under this subsection may, within 30 days of the issuance of the refund, return the full refunded amount to the retirement system. Upon receipt, the retirement system shall restore the accumulated contributions to the member's credit. [ 2007, c. 137, §4 (NEW) . ]

Pursuant to the Code, Section 401(a)(31)(B), the amount of an automatic refund under this section may not exceed \$1,000.

[ 2009, c. 474, §5 (AMD) . ]

### SECTION HISTORY

2007, c. 137, §4 (NEW). 2009, c. 474, §5 (AMD) .

## §806. ADDITIONAL MEMBER CONTRIBUTIONS BY CERTAIN MEMBERS

**1. Application.** This section applies to a Legislator who is a public school teacher or an employee of the Maine Community College System who is on a leave of absence for the purpose of serving in the Legislature on or after July 1, 2002.

[ 2001, c. 657, §2 (NEW); 2003, c. 20, Pt. OO, §2 (AMD); 2003, c. 20, Pt. OO, §4 (AFF) . ]

**2. Additional member contributions on difference in earnable compensation.** A Legislator subject to this section whose earnable compensation as a Legislator is less than the earnable compensation that would have been earned in the position from which the Legislator is on a leave of absence may make member contributions on the amount that represents the difference between the legislative earnable compensation received and the earnable compensation that would have been received in the position from which the Legislator is on a leave of absence.

[ 2001, c. 657, §2 (NEW) . ]

**3. Maximum total earnable compensation; total member contributions.** The total earnable compensation on which a Legislator makes member contributions under this section may not be greater than the earnable compensation that the Legislator would have received had the Legislator remained in the position from which the Legislator is on a leave of absence. The Legislator's total member contributions under this section may not be greater than the member contributions that would have been paid on the earnable compensation that the Legislator would have received had the Legislator remained in that position from which the Legislator is on a leave of absence.

[ 2001, c. 657, §2 (NEW) . ]

**4. Method of member contribution.** A Legislator may make member contributions under this section by either a single lump sum payment or by annual direct payments as provided by Title 5, section 17701, subsection 4.

[ 2001, c. 657, §2 (NEW) .]

**5. Interest.** If the Legislator makes member contributions under this section in the year in which the Legislator is on leave of absence, no interest accrues. If payment of member contributions under this section is made at any later time, interest accrues at a rate to be set by the board of trustees not to exceed regular interest by 5% or more, computed beginning at the end of the year in which the contributions would have been made to date of payment.

[ 2001, c. 657, §2 (NEW) .]

**6. Written agreement.** A Legislator who elects to make additional member contributions under this section must enter into a written agreement with the Maine Public Employees Retirement System for the making of the contributions. The agreement must be in a form specified by the Maine Public Employees Retirement System and according to terms and procedures specified by the Maine Public Employees Retirement System.

[ 2001, c. 657, §2 (NEW); 2007, c. 58, §3 (REV) .]

**7. Employer contribution.** Whenever a Legislator elects to make member contributions under this section, the State shall pay the employer share of contributions on the amount that represents the difference between the legislative earnable compensation received by the Legislator and the earnable compensation that would have been received by the Legislator in the position from which the Legislator is on a leave of absence.

[ 2001, c. 657, §2 (NEW) .]

#### SECTION HISTORY

2001, c. 657, §2 (NEW). 2003, c. 20, §002 (AMD). 2003, c. 20, §004 (AFF). 2007, c. 58, §3 (REV).

### Subchapter 5: PAYMENT OF BENEFITS HEADING: PL 1985, C. 507, §1 (NEW)

## §851. ELIGIBILITY FOR RETIREMENT

Upon written application to the board setting forth the date upon which the member chooses to terminate employment, any member may retire on a service retirement allowance upon meeting one of the following.  
[1989, c. 133, §8 (AMD).]

### 1. Age 60 years; 10 years of creditable service on July 1, 1993.

[ 1999, c. 756, §1 (RP) .]

#### 1-A. Age 62; less than 10 years creditable service on July 1, 1993.

[ 1999, c. 756, §1 (RP) .]

**1-B. At least 10 years of creditable service or 60 years of age on July 1, 1993.** A member who on July 1, 1993, whether or not in service on that date, had 10 years of creditable service or who on July 1, 1993 had reached 60 years of age and was then in service may retire at 60 years of age or thereafter, whether or not the member is in service at retirement. Creditable service as a member of any other retirement program



of the Maine Public Employees Retirement System may be combined with creditable service as a member of the Legislative Retirement Program for the purpose of determining the completion of 10 years of creditable service.

[ 2007, c. 491, §23 (AMD) .]

**1-C. Less than 10 years of creditable service on July 1, 1993.** A member who on July 1, 1993 had less than 10 years of creditable service and who was in service on October 1, 1999; who had left service prior to October 1, 1999 with or without withdrawing contributions and on or after October 1, 1999 returned to service; or who first enters service on or after October 1, 1999 may retire at 62 years of age or thereafter, whether or not the member is in service at retirement, as long as the member has at the time of retirement at least 5 years of creditable service. Creditable service as a member of any other retirement program of the Maine Public Employees Retirement System may be combined with creditable service as a member of the Legislative Retirement Program for the purpose of determining the completion of 5 years of creditable service.

[ 2007, c. 491, §24 (AMD) .]

**1-D. At least 5 years creditable service on July 1, 2011.** Eligibility for retirement for a member who on July 1, 2011 had at least 5 years of creditable service is governed by subsection 1-B if the member had 10 years of creditable service or was at least 60 years of age on July 1, 1993 or by subsection 1-C if the member had less than 10 years of creditable service on July 1, 1993.

[ 2011, c. 380, Pt. T, §1 (NEW) .]

**1-E. Less than 5 years creditable service on July 1, 2011.** A member who on July 1, 2011 had less than 5 years of creditable service may retire at 65 years of age or thereafter, whether or not the member is in service at retirement, as long as the member has at the time of retirement at least 5 years of creditable service. Creditable service as a member of any other retirement program of the Maine Public Employees Retirement System may be combined with creditable service as a member of the Legislative Retirement Program for the purpose of determining the completion of 5 years of creditable service.

[ 2011, c. 380, Pt. T, §2 (NEW) .]

**2. Early retirement; 10 years of creditable service on July 1, 1993.** Any member, whether or not in service at retirement, who on July 1, 1993 had at least 10 years of creditable service and who has completed at least 25 years of creditable service may retire any time before the member's 60th birthday. Creditable service as a member of any other retirement program of the Maine Public Employees Retirement System may be combined with creditable service as a member of the Legislative Retirement Program for the purpose of determining the completion of 25 years of creditable service. The retirement allowance is determined in accordance with section 852, except that it is reduced by multiplying the retirement allowance by a fraction that represents the ratio of the amount of a life annuity due at age 60 years to the amount of a life annuity due at the age of retirement. The tables of annuities in effect at the date of retirement are used for this purpose.

[ 2007, c. 491, §25 (AMD) .]

**2-A. Early retirement; less than 10 years creditable service on July 1, 1993.** Any member, whether or not in service at retirement, who on July 1, 1993 had less than 10 years of creditable service and who has completed at least 25 years of creditable service may retire any time before the member's 62nd birthday. Creditable service as a member of any other retirement program of the Maine Public Employees Retirement System may be combined with creditable service as a member of the Legislative Retirement Program for

the purpose of determining the completion of 25 years of creditable service. The retirement allowance is determined in accordance with section 852, except that it is reduced by 6% for each year that the member's age precedes age 62.

[ 2007, c. 491, §26 (AMD) .]

**2-B. Five-year minimum creditable service requirement for eligibility to receive a service retirement benefit at applicable age; applicability.** The minimum requirement of 5 years of creditable service for eligibility to receive service retirement benefits under subsection 1-C, 1-D or 1-E applies only to:

- A. A member who was in service on October 1, 1999; [1999, c. 756, §4 (NEW) .]
- B. Upon return to service, a member who had left service prior to October 1, 1999 with or without withdrawing that member's contributions and who on or after October 1, 1999 returned to service; or [1999, c. 756, §4 (NEW) .]
- C. A member who was first in service on or after October 1, 1999. [1999, c. 756, §4 (NEW) .]

For those members to whom the 5-year minimum creditable service requirement does not apply, the 10-year minimum creditable service requirement for eligibility to receive service retirement benefits remains in effect on and after October 1, 1999.

[ 2011, c. 380, Pt. T, §3 (AMD) .]

**2-C. Early retirement; less than 5 years creditable service on July 1, 2011.** Any member, whether or not in service at retirement, who on July 1, 2011 had less than 5 years of creditable service and who has completed at least 25 years of creditable service may retire any time before the member's 65th birthday. Creditable service as a member of any other retirement program of the Maine Public Employees Retirement System may be combined with creditable service as a member of the Legislative Retirement Program for the purpose of determining the completion of 25 years of creditable service. The retirement allowance is determined in accordance with section 852, except that it is reduced by 6% for each year that the member's age precedes age 65.

[ 2011, c. 380, Pt. T, §4 (NEW) .]

#### SECTION HISTORY

1985, c. 507, §1 (NEW). 1989, c. 133, §8 (AMD). 1991, c. 528, §EEE1 (AMD). 1991, c. 528, §EEEE18,RRR (AFF). 1991, c. 591, §EEE1 (AMD). 1991, c. 591, §EEE18 (AFF). 1993, c. 410, §SL3-A (AMD). RR 1999, c. 1, §1 (COR). 1999, c. 756, §§1-4 (AMD). 2007, c. 58, §3 (REV). 2007, c. 491, §§23-26 (AMD). 2011, c. 380, Pt. T, §§1-4 (AMD).

## §852. RETIREMENT BENEFITS

**1. Amount.** The service retirement allowance of a member shall be determined under this chapter in effect on the member's date of final termination of service. Subject to the minimum benefit provided for in paragraph B, the total amount of the retirement allowance of a member retired in accordance with section 851 shall be equal to:

- A. One-fiftieth of the member's average final compensation multiplied by the number of years of creditable service allowed under section 802; and [1985, c. 507, §1 (NEW) .]
- B. Any member who has 10 or more years of creditable service at retirement shall be entitled to a minimum of \$100 per month. [1985, c. 507, §1 (NEW) .]

[ 1985, c. 507, §1 (NEW) .]

#### SECTION HISTORY

1985, c. 507, §1 (NEW).

### §853. DISABILITY RETIREMENT

Any member who becomes disabled while in service may receive a disability retirement allowance on the same basis as provided for members of the State Employee and Teacher Retirement Program by Title 5, chapter 423, subchapter 5, article 3. [2007, c. 491, §27 (AMD).]

#### SECTION HISTORY

1985, c. 507, §1 (NEW). 1989, c. 133, §9 (AMD). 2007, c. 58, §3 (REV).  
2007, c. 491, §27 (AMD).

### §854. RESTORATION TO SERVICE

If a recipient of a retirement allowance under this chapter again becomes a member of the Legislature, he may: [1985, c. 507, §1 (NEW).]

**1. Receive allowance.** Continue to receive the retirement allowance and not accrue any additional creditable service for that legislative service; or

[ 1985, c. 507, §1 (NEW) .]

**2. Discontinue allowance.** Direct, in writing, that the executive director discontinue his retirement allowance and he shall accrue additional creditable service for that legislative service.

[ 1985, c. 507, §1 (NEW) .]

#### SECTION HISTORY

1985, c. 507, §1 (NEW).

### §855. ORDINARY DEATH BENEFITS

If a member who is in service or a former member who is a recipient of a disability retirement allowance dies, the member's beneficiary, or relative if no designated beneficiary, is entitled to benefits on the same basis as provided for beneficiaries of state employees who are members of the State Employee and Teacher Retirement Program by Title 5, chapter 423, subchapter 5, article 4. [2007, c. 491, §28 (AMD).]

#### SECTION HISTORY

1985, c. 507, §1 (NEW). 1989, c. 133, §10 (AMD). 2007, c. 58, §3 (REV).  
2007, c. 491, §28 (AMD).

### §856. ACCIDENTAL DEATH BENEFITS

If a member or a former member who is receiving a disability retirement allowance dies as a result of an injury received in the line of duty, benefits must be paid on the same basis as provided for members of the State Employee and Teacher Retirement Program by Title 5, chapter 423, subchapter 5, article 5. [2007, c. 491, §29 (AMD).]

#### SECTION HISTORY

1985, c. 507, §1 (NEW). 1989, c. 133, §11 (AMD). 2007, c. 58, §3 (REV).  
2007, c. 491, §29 (AMD).

## **§857. PAYMENT OF SERVICE RETIREMENT ALLOWANCE**

All service retirement allowances must be paid on the same basis as provided for members of the State Employee and Teacher Retirement Program by Title 5, section 17804. [2007, c. 491, §30 (AMD).]

### **SECTION HISTORY**

1985, c. 507, §1 (NEW). 1989, c. 133, §12 (AMD). 2007, c. 58, §3 (REV). 2007, c. 491, §30 (AMD).

## **§858. COST-OF-LIVING AND OTHER ADJUSTMENTS**

Retirement allowances under this chapter must be adjusted on the same basis as provided for members of the State Employee and Teacher Retirement Program by Title 5, section 17806. [2007, c. 491, §31 (AMD).]

### **SECTION HISTORY**

1985, c. 507, §1 (NEW). 1989, c. 133, §13 (AMD). 2007, c. 58, §3 (REV). 2007, c. 491, §31 (AMD).

## **§859. REMARRIAGE AFTER RETIREMENT**

If a retiree who is the recipient of a reduced service retirement allowance under section 857 remarries after the retiree's spouse dies, the retiree may elect to have the reduced retirement benefit paid under the same option to the new spouse after the retiree's death instead of continuing the original reduced retirement allowance to the retiree during the retiree's lifetime, under the same basis as provided for members of the State Employee and Teacher Retirement Program by Title 5, section 17805. [2007, c. 491, §32 (AMD).]

### **SECTION HISTORY**

1989, c. 133, §14 (NEW). 2007, c. 58, §3 (REV). 2007, c. 491, §32 (AMD).

## **§860. DIVORCE**

If a retiree who is the recipient of a reduced service retirement allowance under section 857 is granted a divorce either after retirement or before a retirement beneficiary is named, the provisions of Title 5, section 17805-A apply on the same basis as for members of the State Employee and Teacher Retirement Program. [2007, c. 491, §33 (AMD).]

### **SECTION HISTORY**

1997, c. 55, §1 (NEW). 2007, c. 58, §3 (REV). 2007, c. 491, §33 (AMD).

## Chapter 31: STATE HOUSE AND CAPITOL PARK COMMISSION

### §901. STATE CAPITOL COMMISSION

*(REPEALED)*

#### SECTION HISTORY

1987, c. 816, §EE1 (NEW). 1989, c. 410, §8 (RP). 1989, c. 503, §B6 (AMD). 1989, c. 878, §A5 (RP).

### §901-A. STATE HOUSE AND CAPITOL PARK COMMISSION

The State House and Capitol Park Commission, as established in Title 5, section 12004-I, in this chapter called the "commission," shall consist of 11 voting members and 5 ex officio, nonvoting members who shall be appointed and shall serve as described in this section. [1989, c. 410, §9 (NEW).]

**1. Voting members; appointment.** Voting members of the commission shall be appointed as follows:

A. The Director of the Maine Historic Preservation Commission who shall be the permanent chair of the commission; [1989, c. 410, §9 (NEW).]

B. Six members of the public, 4 of whom shall be appointed jointly by the President of the Senate and the Speaker of the House of Representatives and 2 by the Governor; [1989, c. 410, §9 (NEW).]

C. The Governor, President of the Senate and the Speaker of the House of Representatives or their representatives; and [1989, c. 410, §9 (NEW).]

D. The Director of the State House and Capitol Park Commission. [1989, c. 410, §9 (NEW).]

[ 1989, c. 410, §9 (NEW) .]

**2. Ex officio nonvoting members.** The ex officio nonvoting members of the commission shall be as follows:

A. The Director of the Maine State Museum; [1989, c. 410, §9 (NEW).]

B. The Director of the Maine Arts Commission; [1989, c. 410, §9 (NEW).]

C. The Director of the Bureau of General Services; [2011, c. 691, Pt. B, §2 (AMD).]

D. The Chair of the Capitol Planning Commission; and [1989, c. 410, §9 (NEW).]

E. The Executive Director of the Legislative Council. [1989, c. 410, §9 (NEW).]

[ 2011, c. 691, Pt. B, §2 (AMD) .]

**3. Terms.** Each public member shall be appointed to serve a term of 2 years. A member shall serve until a successor is appointed. A vacancy shall be filled as soon as practicable by appointment for the unexpired term in the manner of the original appointment.

[ 1989, c. 410, §9 (NEW) .]

**4. Reimbursements.** Members shall serve on the commission without pay, but shall be reimbursed for their expenses and travel upon application to the Legislative Council and in accordance with Title 5, chapter 379.

[ 1989, c. 410, §9 (NEW) .]

**5. Meetings; decisions; quorum.** The commission shall meet at least quarterly on the call of the chair. Decisions shall be made by a majority of those present and voting. A quorum shall be a majority of the voting members of the commission.

[ 1989, c. 410, §9 (NEW) .]

#### SECTION HISTORY

1989, c. 410, §9 (NEW). 2011, c. 691, Pt. B, §2 (AMD).

## §901-B. DIRECTOR, STATE HOUSE AND CAPITOL PARK COMMISSION

The Legislative Council shall appoint the Director of the State House and Capitol Park Commission who shall serve at the pleasure of the Legislative Council. [1989, c. 410, §9 (NEW) .]

#### SECTION HISTORY

1989, c. 410, §9 (NEW).

## §902. DUTIES OF THE COMMISSION

**1. Plan.** The commission, with the assistance of the Executive Director of the Legislative Council, shall develop and commend a plan for the preservation and development of the aesthetic and historical integrity of the State House and the grounds specified in section 902-A, subsection 2. By April 1, 1990, the commission shall submit an interim report indicating its progress on the plan to the Legislative Council and the Governor. Upon receipt of the commission's completed plan, the Legislative Council may submit the plan to the Legislature for adoption and enactment as the official state plan for the preservation and development of the aesthetic and historical integrity of the State House. From time to time the commission may submit additional amendments for inclusion in the plan which may be submitted to the Legislative Council for adoption and enactment by the Legislature.

[ 2003, c. 316, §1 (AMD) .]

**1-A. Living memorial garden.** The commission shall arrange for and oversee the development and maintenance of a living memorial garden in Capitol Park, the design of which must be consistent with the plan for the garden and double rows of trees developed for the commission in 2002 by Pressley Associates, Inc. Development of the living memorial garden is subject to available funding. The commission may seek and accept funds from private and public sources, including the Percent for Art Program, for the development and maintenance of the garden.

[ 2003, c. 316, §2 (NEW) .]

**1-B. Edible landscaping.** The commission shall arrange for and oversee the development and implementation of a plan to incorporate food-producing plants, shrubs or trees into the landscaping of a portion of Capitol Park. Use of edible landscaping must be consistent with the overall plan for the park under section 902-A, subsection 2 and is subject to available funding for the park.

[ 2013, c. 153, §1 (NEW) .]

**2. Research; publication.** The commission shall conduct research into the history of the State House, the results of which will guide the commission and the Legislative Council in the preservation and development of the building's aesthetic and historical integrity. The commission shall publish and distribute this research to enhance public understanding and appreciation of the State House.

[ 1989, c. 410, §10 (RPR) .]

**3. Contracts.** The commission may make recommendations to the Legislative Council to enter into contracts with individuals or organizations and institutions for services to further the objectives of this chapter, including architectural, aesthetic and decorative additions or changes, in conformance with the plan adopted by the Legislative Council.

[ 1989, c. 410, §10 (RPR) .]

**4. Research; publication.**

[ 1989, c. 410, §10 (RP) .]

SECTION HISTORY

1987, c. 816, §EE1 (NEW). 1989, c. 410, §10 (RPR). 2003, c. 316, §§1,2 (AMD). 2013, c. 153, §1 (AMD).

## §902-A. JURISDICTION

The Legislative Council shall have jurisdiction over: [1989, c. 410, §11 (NEW) .]

**1. State House.** The entire exterior and interior of the State House; and

[ 1989, c. 410, §11 (NEW) .]

**2. Immediate grounds.** The immediate grounds, including Capitol Park, the area bounded on the east by the Kennebec River, on the north by Capitol Street, on the south by Union Street and on the west by State Street, except that the private office of the Governor, at the Governor's discretion, is exempt from this chapter.

A. To ensure that the portion of Capitol Park that is controlled by the City of Augusta remains integrated with the portion of Capitol Park that is controlled by the State, the commission may, in consultation with the City of Augusta, plan for the preservation and development of a unified park area. [1989, c. 410, §11 (NEW) .]

B. Any action taken with respect to Capitol Park must be consistent with the plan for Capitol Park developed by the Olmsted Brothers firm in 1920 as revised by the Pressley firm in 1990. [2001, c. 468, §2 (NEW) .]

The Bureau of General Services may make no architectural, aesthetic or decorative addition, deletion or change to any external or internal part of the State House or its immediate grounds under the jurisdiction of the Legislative Council unless the council has approved the change in writing in conformance with the plan adopted by the council. The Governor must be notified before the council votes on any change. The commission may make recommendations to the council in regard to any proposed architectural, aesthetic or decorative addition, deletion or change to the internal or external part of the State House.

[ 2011, c. 691, Pt. B, §3 (AMD) .]

SECTION HISTORY

1989, c. 410, §11 (NEW). 2001, c. 468, §2 (AMD). 2011, c. 691, Pt. B, §3 (AMD).

## §903. ADVICE AND ASSISTANCE TO COMMISSION

The commission may request the assistance and advice of any state agency in the administration of its duties. Any state agency receiving a request shall render any assistance and advice to the commission. [1987, c. 816, Pt. EE, §1 (NEW) .]

SECTION HISTORY

1987, c. 816, §EE1 (NEW).

## §904. REPORT TO THE LEGISLATURE AND THE GOVERNOR

The commission shall report biennially to the Legislative Council and the Governor facts and recommendations relating to the work and needs of the commission. The commission shall list all activities and projects initiated, completed or proposed during the next biennium which concern the preservation and development of the aesthetic and historical integrity of the State Capitol Building. [1987, c. 816, Pt. EE, §1 (NEW).]

### SECTION HISTORY

1987, c. 816, §EE1 (NEW).

## §905. CONTRIBUTIONS

The commission may accept gifts, bequests and federal funds for purposes consistent with the objectives of this chapter. These gifts, bequests and federal funds must be used solely to carry out the purposes for which they were made. Gifts may include furnishings or other artifacts. Contributions received by the commission for the purpose of major repairs or renovations to the State House may be transferred to the Reserve Fund for State House Preservation and Maintenance established in section 162, subsection 12-A. [1993, c. 415, Pt. J, §2 (AMD).]

### SECTION HISTORY

1987, c. 816, §EE1 (NEW). 1993, c. 415, §J2 (AMD).

## §906. INTEREST IN CONTRACTS PROHIBITED

No member of the commission may be interested directly or indirectly in any contract or contracts calling for the construction or improvements of facilities, buildings and grounds in the Capitol Area in the City of Augusta as described in Title 1, section 814. [1989, c. 410, §12 (NEW).]

### SECTION HISTORY

1989, c. 410, §12 (NEW).

## §907. COOPERATION AND INFORMATION EXCHANGE

The State House and Capitol Park Commission, the Capitol Planning Commission and the Office of the Governor shall exchange information on a regular basis, at least 2 times each year, concerning the plans, proposals and activities of each organization with respect to the facilities and grounds at the seat of government. Each organization shall cooperate with the others and coordinate their efforts. [1989, c. 410, §12 (NEW).]

### SECTION HISTORY

1989, c. 410, §12 (NEW).



## Chapter 33: JUSTIFICATION OF STATE GOVERNMENT PROGRAMS

### §921. SHORT TITLE

*(REPEALED)*

#### SECTION HISTORY

1989, c. 483, §A4 (NEW). 1993, c. 714, §1 (AMD). 1995, c. 488, §1 (RP).

### §922. SCOPE

*(REPEALED)*

#### SECTION HISTORY

1989, c. 483, §A4 (NEW). 1995, c. 488, §1 (RP).

### §923. DEFINITIONS

*(REPEALED)*

#### SECTION HISTORY

1989, c. 483, §A4 (NEW). 1993, c. 714, §2 (AMD). 1995, c. 488, §1 (RP).

### §924. JUSTIFICATION REPORTS

*(REPEALED)*

#### SECTION HISTORY

1989, c. 483, §A4 (NEW). 1991, c. 376, §§1-3 (AMD). 1991, c. 837, §§A2,3 (AMD). 1993, c. 714, §3 (AMD). 1995, c. 488, §1 (RP).

### §925. COMMITTEE ANALYSIS AND RECOMMENDATIONS

*(REPEALED)*

#### SECTION HISTORY

1989, c. 483, §A4 (NEW). 1993, c. 714, §4 (RP). 1995, c. 488, §1 (RP).

### §925-A. COMMITTEE ANALYSIS AND RECOMMENDATIONS

*(REPEALED)*

#### SECTION HISTORY

1993, c. 714, §5 (NEW). 1995, c. 488, §1 (RP).

### §926. TERMINATION OF INDEPENDENT AGENCIES

*(REPEALED)*

#### SECTION HISTORY

1989, c. 483, §A4 (NEW). 1993, c. 714, §6 (AMD). 1995, c. 488, §1 (RP).

### §927. SCHEDULING GUIDELINE FOR REVIEW OF AGENCIES OR INDEPENDENT AGENCIES

*(REPEALED)*

## SECTION HISTORY

1989, c. 483, §§A4,A62 (NEW). 1989, c. 700, §B1 (AMD). 1989, c. 851, §1 (AMD). 1989, c. 857, §§9-13 (AMD). 1989, c. 878, §B1 (AMD). 1989, c. 913, §C1 (AMD). RR 1991, c. 1, §2 (COR). RR 1991, c. 2, §3 (COR). 1991, c. 263, §1 (AMD). 1991, c. 376, §§4-13 (AMD). 1991, c. 801, §1 (AMD). 1991, c. 801, §9 (AFF). 1991, c. 836, §1 (AMD). 1991, c. 837, §§A4-6 (AMD). 1991, c. 885, §A3 (AMD). 1991, c. 885, §§A9-11 (AFF). 1993, c. 92, §§1-7 (AMD). 1993, c. 360, §E1 (AMD). 1993, c. 389, §1 (AMD). 1993, c. 410, §§E1,R1 (AMD). 1993, c. 410, §R4 (AFF). 1993, c. 585, §1 (AMD). 1993, c. 600, §§A1-4 (AMD). 1993, c. 714, §§7,8 (AMD). 1995, c. 148, §1 (AMD). 1995, c. 379, §1 (AMD). 1995, c. 402, §A1 (AMD). 1995, c. 406, §1 (AMD). 1995, c. 418, §A39 (AMD). 1995, c. 465, §A3 (AMD). 1995, c. 465, §C2 (AFF). 1995, c. 488, §1 (RP). 1995, c. 505, §1 (AMD). 1995, c. 505, §22 (AFF). 1997, c. 393, §A2 (AMD).

**§927-A. MAINE HISTORICAL SOCIETY***(REPEALED)*

## SECTION HISTORY

1993, c. 714, §9 (NEW). 1995, c. 488, §1 (RP).

**§928. SPECIAL SUNSET REVIEWS***(REPEALED)*

## SECTION HISTORY

1989, c. 483, §A4 (NEW). 1993, c. 714, §10 (RP).

**§929. FUTURE OR REORGANIZED AGENCIES AND INDEPENDENT AGENCIES***(REPEALED)*

## SECTION HISTORY

1989, c. 483, §A4 (NEW). 1993, c. 714, §11 (AMD). 1995, c. 488, §1 (RP).

**§930. LEGISLATIVE COUNCIL***(REPEALED)*

## SECTION HISTORY

1989, c. 483, §A4 (NEW). 1993, c. 714, §11 (AMD). 1995, c. 488, §1 (RP).

**§931. LEGAL CLAIMS***(REPEALED)*

## SECTION HISTORY

1989, c. 483, §A4 (NEW). 1995, c. 488, §1 (RP).

**§932. REVIEW***(REPEALED)*

SECTION HISTORY

1989, c. 483, §A4 (NEW). 1995, c. 488, §1 (RP).

## Chapter 35: STATE GOVERNMENT EVALUATION

### §951. SHORT TITLE

This chapter may be known and cited as the "State Government Evaluation Act." [1995, c. 488, §2 (NEW).]

#### SECTION HISTORY

1995, c. 488, §2 (NEW).

### §952. SCOPE

This chapter provides for a system of periodic review of agencies and independent agencies of State Government in order to evaluate their efficacy and performance. Only those agencies, independent agencies or parts of those agencies and independent agencies that receive support from the General Fund or that are established, created or incorporated by reference in the Maine Revised Statutes are subject to the provisions of this chapter. The financial and programmatic review must include, but is not limited to, a review of agency management and organization, program delivery, agency goals and objectives, statutory mandate and fiscal accountability. [1995, c. 488, §2 (NEW).]

#### SECTION HISTORY

1995, c. 488, §2 (NEW).

### §953. DEFINITIONS

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [1995, c. 488, §2 (NEW).]

**1. Agency.** "Agency" means a governmental entity subject to review pursuant to this chapter, but not subject to automatic termination.

[ 1995, c. 488, §2 (NEW) .]

**2. Committee or committee of jurisdiction.** "Committee or committee of jurisdiction" means the joint standing committee of the Legislature having jurisdiction over the same policy and substantive matters as an agency subject to review under this chapter.

[ 1995, c. 488, §2 (NEW) .]

**3. Independent agency.** "Independent agency" means a governmental entity subject to review and to termination pursuant to this chapter.

[ 1995, c. 488, §2 (NEW) .]

#### SECTION HISTORY

1995, c. 488, §2 (NEW).

### §954. DESIGNATION BY LEGISLATIVE POLICY COMMITTEE

**1. Authorization.** On or before April 1st of any first regular session, the committee of jurisdiction shall review the list of agencies scheduled for review in section 959.

[ 1995, c. 488, §2 (NEW) .]

**2. Waiver from review.** The committee of jurisdiction may, with a 2/3 vote of all committee members, do one of the following with regard to an agency review:

- A. Exempt an agency or independent agency from review and establish a new review date; [ 1995 , c. 488 , §2 (NEW) . ]
- B. Establish a modified review process in which an agency or independent agency may be asked to provide less information than required by this section or additional information; or [ 1995 , c. 488 , §2 (NEW) . ]
- C. Add an additional agency or independent agency for review, except that an agency that has been reviewed in accordance with this chapter in the legislative session immediately preceding the current legislative session may not be added for review. [ 1995 , c. 488 , §2 (NEW) . ]

[ 1995 , c. 488 , §2 (NEW) . ]

#### SECTION HISTORY

1995 , c. 488 , §2 (NEW) .

## §955. COMMITTEE SCHEDULE

**1. Review established.** The committee of jurisdiction shall establish its agency review schedule in accordance with this chapter and upon approval of the necessary resources by the Legislative Council. The committee of jurisdiction shall request from each agency and independent agency scheduled for review under section 959 a single-page list of organizational units and programs within each organizational unit by March 1st of the first regular session of the Legislature. The agency or independent agency shall provide the list to the committee of jurisdiction by April 1st of the first regular session of the Legislature. The committee of jurisdiction shall provide an agency or independent agency with a written notice of its intent to review the agency or independent agency by May 1st of the first regular session of the Legislature.

[ 2013 , c. 307 , §1 (AMD) . ]

**2. Submission of program evaluation report.** Each agency and independent agency shall prepare and submit no later than November 1st prior to the second regular session of the Legislature, a program evaluation report as required in section 956, to the Legislature through the committee of jurisdiction.

[ 1995 , c. 488 , §2 (NEW) . ]

**3. Conduct review.** The committee of jurisdiction shall begin its agency review process no later than February 1st of the second regular session of the Legislature and in accordance with this chapter.

[ 1995 , c. 488 , §2 (NEW) . ]

**4. Report issued.** For those agencies and independent agencies selected for review by the committee of jurisdiction, the committee shall submit to the Legislature no later than March 15th of the second regular session of the Legislature the findings, administrative recommendations or legislation required to implement recommendations made as a result of its review, analysis and evaluation.

[ 1995 , c. 488 , §2 (NEW) . ]

**5. Follow-up review.** The committee of jurisdiction shall establish in its final report a specified time in which the committee may review the progress of an agency in meeting the recommendations of the committee report. A follow-up review may consist of written progress reports, public hearings with the agency and committee or any other method approved by the committee of jurisdiction in its final report.

[ 1995, c. 488, §2 (NEW) .]

#### SECTION HISTORY

1995, c. 488, §2 (NEW). 2013, c. 307, §1 (AMD).

## §956. PROGRAM EVALUATION REPORT

**1. Report required.** Each agency and independent agency shall prepare and submit to the Legislature, through the committee of jurisdiction, a program evaluation report by a date specified by the committee.

[ 1995, c. 488, §2 (NEW) .]

**2. Program evaluation report; contents.** Each report must include the following information in a concise but complete manner:

A. Enabling or authorizing law or other relevant mandate, including any federal mandates; [1995, c. 488, §2 (NEW) .]

B. A description of each program administered by the agency or independent agency, including the following for each program:

(1) Established priorities, including the goals and objectives in meeting each priority;

(2) Performance measures or other benchmarks used by the agency to measure its progress in achieving the goals and objectives; and

(3) An assessment by the agency indicating the extent to which it has met the goals and objectives, using the performance measures. When an agency has not met its goals and objectives, the agency shall identify the reasons for not meeting them and the corrective measures the agency has taken to meet the goals and objectives; [2013, c. 307, §2 (AMD) .]

C. Organizational structure, including a position count, a job classification and an organizational flow chart indicating lines of responsibility; [1995, c. 488, §2 (NEW) .]

D. [2013, c. 307, §3 (RP) .]

E. Financial summary, including sources of funding by program and the amounts allocated or appropriated and expended over the past 10 years; [1995, c. 488, §2 (NEW) .]

F. [2013, c. 307, §4 (RP) .]

G. Identification of those areas where an agency has coordinated its efforts with other state and federal agencies in achieving program objectives and other areas in which an agency could establish cooperative arrangements, including, but not limited to, cooperative arrangements to coordinate services and eliminate redundant requirements; [1999, c. 661, §1 (AMD) .]

H. Identification of the constituencies served by the agency or program, noting any changes or projected changes; [1995, c. 488, §2 (NEW) .]

I. A summary of efforts by an agency or program regarding the use of alternative delivery systems, including privatization, in meeting its goals and objectives; [1995, c. 488, §2 (NEW) .]

J. Identification of emerging issues for the agency or program in the coming years; [1999, c. 661, §1 (AMD) .]

K. Any other information specifically requested by the committee of jurisdiction; [2001, c. 321, Pt. A, §1 (AMD) .]

L. A comparison of any related federal laws and regulations to the state laws governing the agency or program and the rules implemented by the agency or program; [2001, c. 495, §1 (AMD).]

M. Agency policies for collecting, managing and using personal information over the Internet and nonelectronically, information on the agency's implementation of information technologies and an evaluation of the agency's adherence to the fair information practice principles of notice, choice, access, integrity and enforcement; [2013, c. 110, §2 (AMD); 2013, c. 307, §5 (AMD).]

N. A list of reports, applications and other similar paperwork required to be filed with the agency by the public. The list must include:

- (1) The statutory authority for each filing requirement;
- (2) The date each filing requirement was adopted or last amended by the agency;
- (3) The frequency that filing is required;
- (4) The number of filings received annually for the last 2 years and the number anticipated to be received annually for the next 2 years; and
- (5) A description of the actions taken or contemplated by the agency to reduce filing requirements and paperwork duplication; [2013, c. 588, Pt. A, §1 (RPR).]

O. A list of reports required by the Legislature to be prepared or submitted by the agency or independent agency; [2013, c. 1, §4 (COR).]

*(Paragraph O as enacted by PL 2013, c. 110, §4 is REALLOCATED TO TITLE 3, SECTION 956, SUBSECTION 2, PARAGRAPH Q)*

P. A copy of the single-page list of organizational units and programs within each organizational unit required pursuant to section 955, subsection 1, placed at the front of the report; and [2013, c. 1, §4 (COR).]

Q. (REALLOCATED FROM T. 3, §956, sub-§2, ¶O) Identification of provisions contained in the agency's or independent agency's enabling or authorizing statutes that may require legislative review to determine the necessity of amendment to align the statutes with federal law, other state law or decisions of the United States Supreme Court or the Supreme Judicial Court. [2013, c. 1, §3 (RAL).]

[2013, c. 588, Pt. A, §1 (AMD).]

#### SECTION HISTORY

1995, c. 488, §2 (NEW). 1999, c. 661, §§1,2 (AMD). 2001, c. 321, §§A1-3 (AMD). 2001, c. 495, §§1-3 (AMD). RR 2013, c. 1, §§3, 4 (COR). 2013, c. 110, §§2-4 (AMD). 2013, c. 307, §§2-7 (AMD). 2013, c. 588, Pt. A, §1 (AMD).

### §957. COMMITTEE ANALYSIS AND RECOMMENDATIONS; AUTHORITY

For each agency or independent agency or a component part of each agency or independent agency subject to review pursuant to section 952, the committee of jurisdiction may conduct an analysis and evaluation that may include, but need not be limited to, an evaluation of the program evaluation report submitted pursuant to section 956, subsection 1, including: [2013, c. 307, §8 (NEW).]

**1. Statutory authority.** The extent to which the agency or independent agency operates in accordance with its statutory authority;

[2013, c. 307, §8 (RPR).]

**2. Goals and objectives.** The degree of success in meeting the agency's or independent agency's goals and objectives for each program, including population served;

[ 2013, c. 307, §8 (NEW) .]

**3. Statutory and administrative mandates.** The degree of success achieved by the agency or independent agency in meeting its statutory and administrative mandates; and

[ 2013, c. 307, §8 (NEW) .]

**4. Filing requirements.** The extent to which the agency or independent agency has increased or reduced filing requirements and paperwork duplication burdens on the public.

[ 2013, c. 307, §8 (NEW) .]

In consultation with the Legislative Council, the committee of jurisdiction shall select agencies or independent agencies for review either in accordance with the scheduling guidelines provided in this chapter or at any time determined necessary by the committee. [ 2013, c. 307, §8 (NEW) .]

#### SECTION HISTORY

1995, c. 488, §2 (NEW). 2001, c. 495, §4 (AMD). 2013, c. 307, §8 (RPR).

## §958. TERMINATION OF INDEPENDENT AGENCIES

**1. Termination process.** The committee of jurisdiction may recommend to the Legislature that any independent agency be terminated if indicated or warranted by the committee's review, analysis and evaluation of the independent agency. An independent agency may be accorded a grace period of not more than one year from the effective date of the legislation approving termination in which to complete its business. During the grace period, the statutory powers and duties of the independent agency are not limited or reduced.

[ 1995, c. 488, §2 (NEW) .]

**2. Disposition of property, funds and records.** During the grace period, the Legislature shall determine the disposition of:

A. All property, including any land, buildings, equipment and supplies used by the independent agency; [1995, c. 488, §2 (NEW) .]

B. All funds remaining in any account of the independent agency; and [1995, c. 488, §2 (NEW) .]

C. All records resulting from the activities of the independent agency. [1995, c. 488, §2 (NEW) .]

[ 1995, c. 488, §2 (NEW) .]

**3. Expiration of grace period.** Upon the expiration of the grace period, the independent agency shall cease its activities and terminate.

[ 1995, c. 488, §2 (NEW) .]

#### SECTION HISTORY

1995, c. 488, §2 (NEW).



## §959. SCHEDULING GUIDELINE FOR REVIEW OF AGENCIES OR INDEPENDENT AGENCIES

**1. Scheduling guidelines.** Except as provided in subsection 2, reviews of agencies or independent agencies must be scheduled in accordance with the following. Subsequent reviews must be scheduled on an ongoing basis every 8 years after the dates specified in this subsection.

A. The joint standing committee of the Legislature having jurisdiction over agriculture, conservation and forestry matters shall use the following list as a guideline for scheduling reviews:

- (1) Baxter State Park Authority in 2017;
- (2) Board of Pesticides Control in 2019;
- (3) Wild Blueberry Commission of Maine in 2019;
- (4) Maine Dairy and Nutrition Council in 2015;
- (5) Maine Dairy Promotion Board in 2015;
- (6) Maine Milk Commission in 2015;
- (7) State Harness Racing Commission in 2015;
- (8) Maine Agricultural Bargaining Board in 2017;
- (9) Department of Agriculture, Conservation and Forestry in 2017; and
- (10) Land for Maine's Future Board in 2015. [ 2013, c. 405, Pt. D, §1 (RPR). ]

B. The joint standing committee of the Legislature having jurisdiction over insurance and financial services matters shall use the following list as a guideline for scheduling reviews:

- (1) State Employee Health Commission in 2017; and
- (2) Department of Professional and Financial Regulation, in conjunction with the joint standing committee of the Legislature having jurisdiction over business and economic development matters, in 2015. [ 2013, c. 505, §1 (AMD). ]

C. The joint standing committee of the Legislature having jurisdiction over business, research and economic development matters shall use the following list as a guideline for scheduling reviews:

- (1) Maine Development Foundation in 2021;
- (5) Department of Professional and Financial Regulation, in conjunction with the joint standing committee of the Legislature having jurisdiction over insurance and financial services matters, in 2015;
- (19) Department of Economic and Community Development in 2021;
- (23) Maine State Housing Authority in 2015;
- (32) Finance Authority of Maine in 2017;
- (36) Board of Dental Examiners in 2019;
- (37) Board of Osteopathic Licensure in 2019;
- (38) Board of Licensure in Medicine in 2019;
- (41) State Board of Nursing in 2019;
- (42) State Board of Optometry in 2019; and
- (45) State Board of Registration for Professional Engineers in 2019. [ 2013, c. 588, Pt. E, §1 (AMD); 2013, c. 588, Pt. E, §2 (AFF). ]

D. The joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters shall use the following list as a guideline for scheduling reviews:

(1) Department of Public Safety, except for the Emergency Services Communication Bureau, in 2015;

(2) Department of Corrections in 2019; and

(3) The Maine Emergency Management Agency within the Department of Defense, Veterans and Emergency Management in 2015. [ 2013 , c . 505 , §1 (AMD) . ]

E. The joint standing committee of the Legislature having jurisdiction over education and cultural affairs shall use the following list as a guideline for scheduling reviews:

(2) Department of Education in 2021;

(2-A) State Board of Education in 2021;

(3) Maine Arts Commission in 2015;

(5) Maine Historic Preservation Commission in 2015;

(5-A) Notwithstanding section 952, Maine Historical Society in 2015;

(6) Maine Library Commission in 2015;

(6-A) Maine State Cultural Affairs Council in 2015;

(6-B) Maine State Library in 2015;

(6-C) Maine State Museum in 2015;

(7) Maine State Museum Commission in 2015;

(8) Office of State Historian in 2015;

(9) Board of Trustees of the Maine Maritime Academy in 2017;

(10) Board of Trustees of the University of Maine System in 2017;

(12) Maine Community College System in 2017;

(13) Maine Health and Higher Educational Facilities Authority in 2019; and

(14) Maine Educational Loan Authority in 2019. [ 2013 , c . 505 , §1 (AMD) . ]

F. The joint standing committee of the Legislature having jurisdiction over health and human services matters shall use the following list as a guideline for scheduling reviews:

(6) Department of Health and Human Services in 2017;

(7) Board of the Maine Children's Trust Incorporated in 2019; and

(9) Maine Developmental Disabilities Council in 2019. [ 2013 , c . 505 , §1 (AMD) . ]

G. The joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife matters shall use the following list as a guideline for scheduling reviews:

(1) Department of Inland Fisheries and Wildlife in 2015; and

(2) Advisory Board for the Licensing of Taxidermists in 2015. [ 2013 , c . 505 , §1 (AMD) . ]

H. The joint standing committee of the Legislature having jurisdiction over judiciary matters shall use the following list as a guideline for scheduling reviews:

(2) Maine Human Rights Commission in 2017;

(3) Maine Indian Tribal-State Commission in 2019; and

(4) Department of the Attorney General in 2019. [ 2013 , c . 505 , §1 (AMD) . ]

I. The joint standing committee of the Legislature having jurisdiction over labor matters shall use the following list as a guideline for scheduling reviews:

- (2) Department of Labor in 2015;
- (3) Maine Labor Relations Board in 2017; and
- (4) Workers' Compensation Board in 2017. [2013, c. 505, §1 (AMD).]

J. The joint standing committee of the Legislature having jurisdiction over legal and veterans affairs shall use the following schedule as a guideline for scheduling reviews:

- (2) State Liquor and Lottery Commission in 2015;
- (3) The Department of Administrative and Financial Services with regard to the enforcement of the law relating to the manufacture, importation, storage, transportation and sale of all liquor and the laws relating to licensing and the collection of taxes on malt liquor and wine in 2015; and
- (4) Department of Defense, Veterans and Emergency Management in 2019, except for the Maine Emergency Management Agency within the department. [2013, c. 505, §1 (AMD).]

K. The joint standing committee of the Legislature having jurisdiction over marine resource matters shall use the following list as a guideline for scheduling reviews:

- (1) Atlantic States Marine Fisheries Commission in 2021;
- (2) Department of Marine Resources in 2021;
- (4) Lobster Advisory Council in 2015; and
- (5) Maine Sardine Council in 2015. [2013, c. 505, §1 (AMD).]

L. The joint standing committee of the Legislature having jurisdiction over natural resource matters shall use the following list as a guideline for scheduling reviews:

- (1) Department of Environmental Protection in 2017;
- (2) Board of Environmental Protection in 2017;
- (4) Saco River Corridor Commission in 2021; and
- (5) Board of Underground Oil Tank Installers in 2019. [2013, c. 505, §1 (AMD).]

M. The joint standing committee of the Legislature having jurisdiction over state and local government matters shall use the following list as a guideline for scheduling reviews:

- (1) Capitol Planning Commission in 2019;
- (1-A) Maine Governmental Facilities Authority in 2021;
- (2) State Civil Service Appeals Board in 2021;
- (3) State Claims Commission in 2021;
- (4) Maine Municipal Bond Bank in 2015;
- (5) Office of Treasurer of State in 2015;
- (6) Department of Administrative and Financial Services, except for the Bureau of Revenue Services, in 2019; and
- (7) Department of the Secretary of State, except for the Bureau of Motor Vehicles, in 2019. [2013, c. 505, §1 (AMD).]

N. The joint standing committee of the Legislature having jurisdiction over taxation matters shall use the following schedule as a guideline for scheduling reviews:

- (1) State Board of Property Tax Review in 2019; and
- (2) Department of Administrative and Financial Services, Bureau of Revenue Services in 2019. [2013, c. 505, §1 (AMD).]

O. The joint standing committee of the Legislature having jurisdiction over transportation matters shall use the following schedule as a guideline for scheduling reviews:

- (1) Maine Turnpike Authority in 2021;
- (2) The Bureau of Motor Vehicles within the Department of the Secretary of State in 2015;
- (3) The Department of Transportation in 2015; and
- (4) Maine State Pilotage Commission in 2017. [2013, c. 505, §1 (AMD).]

P. The joint standing committee of the Legislature having jurisdiction over utilities and energy matters shall use the following list as a guideline for scheduling reviews:

- (1) Public Advocate in 2015;
- (2) Board of Directors, Maine Municipal and Rural Electrification Cooperative Agency in 2015;
- (3) Public Utilities Commission, including the Emergency Services Communication Bureau, in 2015; and
- (5) Telecommunications Relay Services Advisory Council in 2015. [2013, c. 505, §1 (AMD).]

Q. The joint standing committee of the Legislature having jurisdiction over retirement matters shall use the following list as a guideline for scheduling reviews:

- (1) Maine Public Employees Retirement System in 2021. [2013, c. 505, §1 (AMD).]

[2013, c. 588, Pt. E, §1 (AMD); 2013, c. 588, Pt. E, §2 (AFF).]

**2. Waiver.** Notwithstanding this list of agencies arranged by year, an agency or independent agency may be reviewed at any time by the committee pursuant to section 954.

[1995, c. 488, §2 (NEW).]

#### SECTION HISTORY

1995, c. 488, §2 (NEW). 1995, c. 560, §K82 (AMD). 1995, c. 560, §K83 (AFF). 1995, c. 671, §§1-3 (AMD). 1997, c. 245, §19 (AMD). 1997, c. 455, §31 (AMD). 1997, c. 526, §14 (AMD). 1997, c. 683, §D1 (AMD). 1997, c. 727, §§A1,2 (AMD). 1999, c. 127, §§C1-15 (AMD). 1999, c. 415, §1 (AMD). 1999, c. 585, §1 (AMD). 1999, c. 603, §§1,2 (AMD). 1999, c. 687, §A1 (AMD). 1999, c. 706, §1 (AMD). 1999, c. 790, §§D2,3 (AMD). 1999, c. 790, §D14 (AFF). 2001, c. 354, §3 (AMD). 2001, c. 439, §§EEEE1,2 (AMD). 2001, c. 471, §§D4,5 (AMD). 2001, c. 519, §1 (AMD). 2001, c. 548, §1 (AMD). 2001, c. 597, §1 (AMD). 2001, c. 697, §A1 (AMD). 2003, c. 20, §OO2 (AMD). 2003, c. 20, §OO4 (AFF). 2003, c. 451, §§T1,2 (AMD). 2003, c. 578, §1 (AMD). 2003, c. 600, §1 (AMD). 2005, c. 155, §1 (AMD). 2005, c. 294, §1 (AMD). 2005, c. 397, §C3 (AMD). 2005, c. 477, §1 (AMD). 2005, c. 550, §1 (AMD). 2005, c. 605, §§1,2 (AMD). 2005, c. 634, §§1,2 (AMD). 2007, c. 356, §1 (AMD). 2007, c. 356, §31 (AFF). 2007, c. 395, §1 (AMD). 2007, c. 560, §1 (AMD). 2007, c. 695, Pt. A, §6 (AMD). 2007, c. 695, Pt. D, §3 (AFF). 2009, c. 122, §3 (AMD). 2009, c. 552, §1 (AMD). 2009, c. 561, §1 (AMD). 2011, c. 579, §1 (AMD). 2011, c. 655, Pt. CC, §2 (AMD). 2011, c. 655, Pt. CC, §4 (AFF). 2011, c. 657, Pt. AA, §1 (AMD). 2013, c. 1, Pt. DD, §§1, 2 (AMD). 2013, c. 368, Pt. V, §§1, 2 (AMD). 2013, c. 405, Pt. D, §1 (AMD). 2013, c. 505, §1 (AMD). 2013, c. 588, Pt. E, §1 (AMD). 2013, c. 588, Pt. E, §2 (AFF).

## **§960. FUTURE OR REORGANIZED AGENCIES AND INDEPENDENT AGENCIES**

The chief staff administrator of a newly created or substantially reorganized agency or independent agency shall contact the committee to ensure placement of that agency or independent agency in the scheduling guideline outlined in section 959. The committee and the Legislative Council shall determine the placement of that agency or independent agency in the scheduling guideline. [1995, c. 488, §2 (NEW).]

### **SECTION HISTORY**

1995, c. 488, §2 (NEW).

## **§961. LEGISLATIVE COUNCIL**

The Legislative Council shall issue rules necessary for the efficient administration of this chapter and shall provide the committees of jurisdiction with assistance as required to carry out the purposes of this chapter. [1995, c. 488, §2 (NEW).]

### **SECTION HISTORY**

1995, c. 488, §2 (NEW).

## **§962. LEGAL CLAIMS**

Termination, modification or establishment of agencies or independent agencies as a result of the review required by this chapter does not extinguish any legal claims against the State, any state employee or state agency or independent agency. The provisions of this chapter do not relieve the State or any agency or independent agency of responsibility for making timely payment of the principal and interest of any debt issued in the form of a bond or note. [1995, c. 488, §2 (NEW).]

### **SECTION HISTORY**

1995, c. 488, §2 (NEW).

## **§963. REVIEW**

The joint standing committee of the Legislature having jurisdiction over state and local government matters shall review the provisions and effects of this chapter no later than June 30, 2022 and at least once every 10 years after June 30, 2022. [2013, c. 505, §2 (AMD).]

### **SECTION HISTORY**

1995, c. 488, §2 (NEW). 2013, c. 505, §2 (AMD).

## Chapter 36: RETROSPECTIVE REVIEW OF AGENCY RULES

### §971. DEFINITIONS

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [2011, c. 304, Pt. L, §1 (NEW).]

**1. Agency.** "Agency" means any body of State Government authorized by law to adopt rules under Title 5, chapter 375.

[ 2011, c. 304, Pt. L, §1 (NEW) .]

**2. Committee of jurisdiction.** "Committee of jurisdiction" means the joint standing committee of the Legislature having jurisdiction over the policy and subject matter of a rule.

[ 2011, c. 304, Pt. L, §1 (NEW) .]

**3. Retrospective review.** "Retrospective review" means a review of a rule by an agency for any change in the relevance, clarity and reasonableness of the rule between the time of its initial adoption and the time of the review.

[ 2011, c. 304, Pt. L, §1 (NEW) .]

#### SECTION HISTORY

2011, c. 304, Pt. L, §1 (NEW).

### §972. DIRECTION FROM COMMITTEES OF JURISDICTION

On or before February 1st of any first regular session of the Legislature, a committee of jurisdiction may direct an agency in writing to undertake a retrospective review of one or more rules under the jurisdiction of the committee. [2011, c. 304, Pt. L, §1 (NEW).]

#### SECTION HISTORY

2011, c. 304, Pt. L, §1 (NEW).

### §973. AGENCY REVIEW

When directed by a committee of jurisdiction to undertake a retrospective review of a rule under this chapter, an agency shall evaluate the continued relevance, clarity and reasonableness of the rule by examining: [2011, c. 304, Pt. L, §1 (NEW).]

**1. Relevance.** The extent to which the rule may have over time become redundant, inconsistent or in conflict with the original goals and objectives for which the rule was first proposed, with other rules or with any underlying federal or state law or regulation that initially served as the basis for the rule;

[ 2011, c. 304, Pt. L, §1 (NEW) .]

**2. Clarity.** Whether the language of the rule has retained its clarity and use of plain and clear English as required by Title 5, section 8061, continues to comply with the uniform drafting standards set forth in the drafting manual developed by the Secretary of State under Title 5, section 8056-A or whether the rule could be made less complex or more understandable to the general public;

[ 2011, c. 304, Pt. L, §1 (NEW) .]

**3. Reasonableness.** Whether the rule has been reasonably and consistently applied with respect to the public or particular persons and whether less costly or more limited regulatory methods of achieving the original purposes of the rule have become available; and

[ 2011, c. 304, Pt. L, §1 (NEW) .]

**4. Appropriate categorization.** Whether the rule should be categorized as a major substantive rule or a routine technical rule, as those terms are defined in Title 5, chapter 375.

[ 2011, c. 304, Pt. L, §1 (NEW) .]

#### SECTION HISTORY

2011, c. 304, Pt. L, §1 (NEW).

### §974. REPORT TO THE COMMITTEE OF JURISDICTION

An agency directed to undertake a retrospective review of one or more of its rules in a first regular session of the Legislature pursuant to section 972 shall submit a written report to the committee of jurisdiction on or before February 14th of the second regular session of that Legislature. The report must address each of the criteria listed in section 973 for each rule reviewed by the agency and identify ways in which the agency proposes to amend the rule, if any, and recommend whether the legislative authority for each rule should be retained, repealed or modified. [2011, c. 304, Pt. L, §1 (NEW).]

#### SECTION HISTORY

2011, c. 304, Pt. L, §1 (NEW).

## Chapter 37: LEGISLATIVE OVERSIGHT OF GOVERNMENT AGENCIES AND PROGRAMS

### §991. EVALUATION AND GOVERNMENT ACCOUNTABILITY

The Office of Program Evaluation and Government Accountability is created for the purpose of providing program evaluation of agencies and programs of State Government and, when determined necessary by the committee, local and county governments, quasi-municipal governments, special districts, utility districts, regional development agencies or any municipal or nonprofit corporation. The office also is established to ensure that public funds provided to local and county governments, quasi-municipal governments, special districts, utility districts, regional development agencies or any municipal or nonprofit corporation are expended for the purposes for which they were allocated, appropriated or contracted. When authorized by the committee, the office also may examine or direct an examination of any state contractor financed in whole or part by public funds and any expenditure by any public official or public employee during the course of public duty, including, but not limited to, any expenditure of private money for the purposes of the agency or other entity. [2003, c. 673, Pt. GGGG, §1 (AMD).]

#### SECTION HISTORY

2001, c. 702, §2 (NEW). 2003, c. 451, §KKK1 (AMD). 2003, c. 673, §GGGG1 (AMD).

### §992. DEFINITIONS

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [2001, c. 702, §2 (NEW).]

**1. Committee.** "Committee" means a joint legislative committee established to oversee program evaluation and government accountability matters.

[ 2001, c. 702, §2 (NEW) .]

**2. Director.** "Director" means the Director of the Office of Program Evaluation and Government Accountability.

[ 2001, c. 702, §2 (NEW) .]

**3. Office.** "Office" means the Office of Program Evaluation and Government Accountability established in section 991.

[ 2001, c. 702, §2 (NEW) .]

**4. Other entity.** "Other entity" means any public or private entity in this State that may be subject to program evaluation under this chapter as the result of its receipt or expenditure of public funds. "Other entity" may include local and county governments, quasi-municipal governments, special districts, utility districts, regional development agencies or any municipal or nonprofit corporation.

[ 2003, c. 673, Pt. GGGG, §2 (AMD) .]

**5. Program evaluation.** "Program evaluation" means an examination of any government program that includes performance audits, management analysis, inspections, operations, research or examinations of efficiency, effectiveness or economy.

[ 2003, c. 673, Pt. GGGG, §3 (AMD) .]



**5-A. Qualified auditor.** "Qualified auditor" means an auditor who meets the education and experience requirements of the Office of State Auditor as defined in Title 5, section 241.

[ 2003, c. 463, §2 (NEW) .]

**6. State agency.** "State agency" means each state board, commission, department, program, office or institution, educational or otherwise, of this State.

[ 2001, c. 702, §2 (NEW) .]

**7. Working paper.** "Working paper" means all documentary and other information acquired, prepared or maintained by the office during the conduct of a program evaluation, including all intra-agency and interagency communications relating to a program evaluation and includes electronic messages and draft reports or any portion of a draft report.

[ 2001, c. 702, §2 (NEW) .]

#### SECTION HISTORY

2001, c. 702, §2 (NEW). 2003, c. 463, §§1,2 (AMD). 2003, c. 673, §§GGGG2,3 (AMD).

### §993. COMMITTEE MEMBERSHIP; CHAIRS

The membership of the committee and the selection of chairs are established by joint rule of the Legislature. [2001, c. 702, §2 (NEW).]

#### SECTION HISTORY

2001, c. 702, §2 (NEW).

### §994. DUTIES OF COMMITTEE

The committee has the following duties: [2001, c. 702, §2 (NEW) .]

**1. Director.** To evaluate the director of the office and make a recommendation to the Legislative Council in writing regarding the reappointment of the director of the office before the Legislative Council considers the reappointment of the director of the office;

[ 2001, c. 702, §2 (NEW) .]

**2. Annual work plan.** To review and approve the annual work plan of the office;

[ 2001, c. 702, §2 (NEW) .]

**3. Direct evaluations.** To direct the office to conduct program evaluations;

[ 2001, c. 702, §2 (NEW) .]

**3-A. Auditing services.** When the committee determines that an examination as part of a program evaluation requires the services of a qualified auditor, to request the Office of the State Auditor to conduct all or part of an examination or, if the Office of the State Auditor is unable to perform the examination within the time frame established by the committee, to direct the office to obtain the services of a qualified auditor;

[ 2003, c. 673, Pt. GGGG, §4 (NEW); 2013, c. 16, §10 (REV) .]

**4. Conduct hearings.** To hold public hearings for the purpose of receiving reports from the office and questioning public officials about office findings and recommendations;

[ 2001, c. 702, §2 (NEW) .]

**5. Examine witnesses.** To examine witnesses and to order the appearance of any person or the appearance of any person for the purpose of production to the committee of papers or records, including books, accounts, documents, computer disks or memory or other electronic media and other materials regardless of their physical or electronic form;

[ 2001, c. 702, §2 (NEW) .]

**6. Administer oaths.** To administer oaths to witnesses appearing before the committee when, by a majority vote, the committee determines the administration of an oath necessary and advisable, to determine if there is probable cause that a witness has committed perjury by testifying falsely before the committee and to direct the Attorney General to institute legal proceedings as provided by law;

[ 2001, c. 702, §2 (NEW) .]

**7. Vote on reports.** To vote at the committee's discretion to endorse, to endorse in part or to release a report of the office without endorsement;

[ 2001, c. 702, §2 (NEW) .]

**8. Subpoenas.** To issue subpoenas upon a majority vote of the committee in the event of refusal to appear or to produce papers or records, including books, accounts, documents, computer disks or memory or other electronic media and other materials regardless of their physical or electronic form. A subpoena issued under this subsection must be issued pursuant to the provisions of section 165 and chapter 21;

[ 2003, c. 451, Pt. KKK, §2 (AMD) .]

**9. Meetings.** To conduct meetings at such times as the cochairs determine necessary;

[ 2003, c. 673, Pt. GGGG, §5 (AMD) .]

**10. Adopt rules.** To adopt rules, as long as the rules are not in conflict with the Joint Rules of the Legislature. By January 1, 2005, the committee must develop a mission statement to be included in the rules;

[ 2005, c. 104, §1 (AMD) .]

**11. Information available to committee.** To receive certain information. Information that is made available to the committee is governed by chapter 21, which governs legislative investigating committees, and by Title 1, chapter 13, which governs public records and proceedings; and

[ 2005, c. 104, §2 (AMD) .]

**12. Immediate review system.** To establish a system to provide immediate review of a program or function of a state agency or other entity in the event that there is a suspicion of a major mismanagement of public funds or functions. If the director determines to proceed under the immediate review system and the

committee approves proceeding under that system, qualified auditors and investigators may be retained by the director for that purpose. The director shall coordinate efforts with the Attorney General, State Auditor, State Controller and others considered appropriate by the director.

[ 2005, c. 104, §3 (NEW) .]

#### SECTION HISTORY

2001, c. 702, §2 (NEW). 2003, c. 451, §KKK2 (AMD). 2003, c. 463, §3 (AMD). 2003, c. 673, §§GGGG4-7 (AMD). 2005, c. 104, §§1-3 (AMD). 2013, c. 16, §10 (REV).

## §995. DIRECTOR

**1. Appointment.** Not earlier than April 1, 2003, the Legislative Council shall appoint by an affirmative vote of 8 members of the Legislative Council a nonpartisan director of the office for the purposes of conducting program evaluations pursuant to this chapter. The director must be appointed to an initial 5-year term, which is subject to renewal by the Legislative Council every 5 years thereafter. During the term of the contract, the director may be terminated only for cause by an affirmative vote of 8 members of the Legislative Council. The Legislative Council shall establish the compensation of the director. The director's duties must be performed independently and in a nonpartisan manner but under the general policy direction of the committee.

[ 2003, c. 673, Pt. GGGG, §8 (AMD) .]

**2. Duties.** The director shall supervise the staff of the office in accordance with policies adopted by the committee and consistent with the policies of the Legislative Council. The director shall prepare and present a biennial budget to the committee for its approval. Money appropriated or allocated to the office must be expended in the discretion of the director and the committee only. The director also shall prepare and present an annual work plan to the committee for its consideration and approval. The director also may contract with private individuals or entities for the conduct of program evaluations under this chapter. The director may request the committee to issue subpoenas.

[ 2001, c. 702, §2 (NEW) .]

**3. Employees.** Employees must be nonpartisan. Employees of the office are employed by and are responsible to the director, who shall hire and fix the compensation of each employee, subject to the approval of the committee and within resources available in the biennial budget. Other than the director appointed pursuant to subsection 1, an employee of the office may not be employed prior to July 1, 2003.

[ 2003, c. 673, Pt. GGGG, §8 (AMD) .]

**4. Annual report.** The director shall prepare an annual report of the office's activities for each calendar year and shall submit that annual report to the committee and the Legislature no later than January 15th of each calendar year.

[ 2003, c. 463, §4 (AMD) .]

**5. Coordination with State Auditor; complaints alleging fraud, waste, inefficiency or abuse.** The director may access confidential information disclosed by the State Auditor under Title 5, section 244-D, subsection 3 in order to ensure appropriate agency referral or coordination between agencies to respond appropriately to all complaints made under Title 5, section 244-D.

[ 2005, c. 682, §1 (NEW) .]

#### SECTION HISTORY

2001, c. 702, §2 (NEW). 2003, c. 463, §4 (AMD). 2003, c. 673, §GGGG8 (AMD). 2005, c. 682, §1 (AMD).

## §996. ASSISTANCE TO COMMITTEE

The Department of the Attorney General, the State Auditor, the State Controller, the Commissioner of Administrative and Financial Services, the Director of the Office of Fiscal and Program Review and the Director of the Office of Policy and Legal Analysis shall assist the committee and office with program evaluations under this chapter if the committee and the director determine that such assistance is necessary. [2001, c. 702, §2 (NEW).]

The Commissioner of Administrative and Financial Services shall provide office space to house the office within the Burton M. Cross Building. This office space must be provided at no charge. [2003, c. 451, Pt. KKK, §3 (NEW).]

#### SECTION HISTORY

2001, c. 702, §2 (NEW). 2003, c. 451, §KKK3 (AMD).

## §997. CONDUCT AND ISSUANCE OF PROGRAM EVALUATION REPORTS

The director and the office shall adhere to the following provisions relative to conducting and issuing program evaluation reports under this chapter. [2001, c. 702, §2 (NEW).]

**1. Review and response.** Prior to the presentation of a program evaluation under this chapter to the committee by the office, the director of the evaluated state agency or other entity must have an opportunity to review a draft of the program evaluation report. Within 15 calendar days of receipt of the draft report, the director of the evaluated state agency or other entity may provide to the office comments on the draft report. If provided to the office by the comment deadline, the comments must be included in the final report when it is presented to the committee. Failure by the director of an evaluated agency or other entity to submit its comments on the draft report by the comment deadline may not delay the submission of a report to the committee or its release to the public.

All documents, writings, drafts, electronic communications and information transmitted pursuant to this subsection are confidential and may not be released to the public prior to the time the office issues its program evaluation report pursuant to subsection 3. A person violating the provisions of this subsection regarding confidentiality is guilty of a Class E crime.

[ 2001, c. 702, §2 (NEW) .]

**2. Submission of final report to committee.** The director shall notify the committee when each final program evaluation report under this chapter is completed. The report must then be placed on the agenda for a future committee meeting. At the meeting where a report appears on the agenda for the first time, the director will release that report to the committee and to the public simultaneously. The committee, at its discretion, may vote to endorse, to endorse in part or to decline to endorse the report submitted by the director. If the committee determines it is necessary, the committee may report out to the Legislature legislation to implement the findings and recommendations of any program evaluation report presented to it by the office.

[ 2001, c. 702, §2 (NEW) .]

**3. Confidentiality.** The director shall issue program evaluation reports, favorable or unfavorable, of any state agency or other entity, and these reports are public records, except that, prior to the release of a program evaluation report pursuant to subsection 2 or the point at which a program evaluation is no longer being actively pursued, all papers, physical and electronic records and correspondence and other supporting materials comprising the working papers in the possession of the director or other entity charged with the preparation of a program evaluation report are confidential and exempt from disclosure pursuant to Title 1, chapter 13. All other records or materials in the possession of the director or other entity charged with the preparation of a program evaluation report under this chapter that would otherwise be confidential or exempt from disclosure are exempt from disclosure pursuant to the provisions of Title 1, chapter 13. Prior to the release of a program evaluation report pursuant to subsection 2 or the point at which a program evaluation is no longer being actively pursued, all papers, physical and electronic records and correspondence and other supporting materials comprising the working papers in the possession of the director or other entity charged with the preparation of a program evaluation report are confidential and may not be released or disclosed by the director to the Legislative Council or an agent or representative of the Legislative Council. This subsection may not be construed to prohibit or prevent public access to the records of a state agency or other entity in the possession of the director that would otherwise be subject to disclosure pursuant to the provisions of Title 1, chapter 13. The director shall refer requests for access to those records directly to the state agency or other entity that is the official custodian of the requested records, which shall respond to the request for public records.

[ 2001, c. 702, §2 (NEW) . ]

**4. Information available to office.** Upon request of the office and consistent with the conditions and procedures set forth in this section, state agencies or other entities subject to program evaluation must provide the office access to information that is privileged or confidential as defined by Title 1, chapter 13, which governs public records and proceedings.

A. Before beginning a program evaluation under this chapter that may require access to records containing confidential or privileged information, the office shall furnish a written statement of its determination that it is necessary for the office to access such records and consult with representatives of the state agency or other entity to discuss methods of identifying and protecting privileged or confidential information in those records. During that consultation, the state agency or other entity shall inform the office of all standards and procedures set forth in its policies or agreements to protect information considered to be confidential or privileged. The office shall limit its access to information that is privileged or confidential by appropriate methods, which may include examining records without copying or removing them from the source. [2003, c. 673, Pt. GGGG, §9 (AMD).]

B. Documentary or other information obtained by the office during the course of a program evaluation under this chapter is privileged or confidential to the same extent under law that that information would be privileged or confidential in the possession of the state agency or other entity providing the information. Any privilege or statutory provision, including penalties, concerning the confidentiality or obligation not to disclose information in the possession of a state agency or other entity or its officers or employees applies equally to the office. Privileged or confidential information obtained by the office during the course of a program evaluation may be disclosed only as provided by law and with the agreement of the state agency or other entity subject to the program evaluation that provided the information. [2001, c. 702, §2 (NEW).]

C. If the office accesses information classified as privileged or confidential pursuant to state agency or other entity policy or procedures or by agreement, the office shall comply with the state agency's or other entity's standards or procedures for handling that information. The office may include in its working papers the excerpts from information classified as confidential or privileged as may be necessary to complete the program evaluation under this chapter, as long as the use does not infringe on department policies or procedures applicable to the original provision of information. [2001, c. 702, §2 (NEW) . ]

[ 2003, c. 673, Pt. GGGG, §9 (AMD) . ]

**5. Confidentiality of working papers.** Except as provided in this subsection, working papers are confidential and may not be disclosed to any person. Prior to the release of the final program evaluation report, the director has sole discretion to disclose working papers to the state agency or other entity subject to the program evaluation when disclosure will not prejudice the program evaluation. After release of the final program evaluation report, working papers may be released as necessary to the state agency or other entity that was subject to the program evaluation under this chapter.

[ 2001, c. 702, §2 (NEW) .]

**6. Confidential sources.** If data supplied by an individual are needed to initiate, continue or complete a program evaluation under this chapter, the director may, by written memorandum to the file, provide that the individual's identity will remain confidential and exempt from disclosure under Title 1, chapter 13, and this written memorandum protects the identity of the person from disclosure under Title 1, chapter 13, notwithstanding any other provision of law to the contrary.

[ 2001, c. 702, §2 (NEW) .]

**7. Disposition of final report.** A final copy of a program evaluation report under subsection 2, including recommendations and the evaluated state agency's or other entity's comments, must be submitted to the commissioner or director of the state agency or other entity examined at least one day prior to the report's public release, and must be made available to each member of the Legislature no later than one day following the report's receipt by the committee. The office may satisfy the requirement to provide each Legislator a copy of the report by furnishing the report directly by electronic means or by providing notice to each Legislator of the availability of the report on the office's publicly accessible site on the Internet.

[ 2001, c. 702, §2 (NEW) .]

#### SECTION HISTORY

2001, c. 702, §2 (NEW). 2003, c. 451, §KKK4 (AMD). 2003, c. 673, §GGGG9 (AMD).

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